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58TH CONGRESS, {  
2d Session. }

SENATE.

{ DOCUMENT  
No. 234.

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# JOURNAL

OF THE

## CONGRESS OF THE CONFEDERATE STATES OF AMERICA, 1861-1865.

VOLUME I.

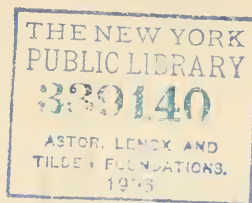
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FEBRUARY 1, 1904.—Ordered to be printed.

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1904.

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IN THE SENATE OF THE UNITED STATES,

*January 28, 1904.*

*Resolved,* That the Secretary of War be, and he is hereby, directed to transmit to the Senate a copy of the Journal of the Provisional and the First and Second Congresses of the Confederate States of America, now in the custody of the War Department.

Attest:

CHARLES G. BENNETT,

*Secretary.*

LETTER FROM THE SECRETARY OF WAR.

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WAR DEPARTMENT,  
*Washington, January 30, 1904.*

SIR: In response to the Senate resolution of the 28th instant, in which the Secretary of War is directed to transmit to the Senate a copy of the Journal of the Provisional and the First and Second Congresses of the Confederate States of America, now in the custody of the War Department, I have the honor to transmit herewith the copy called for in the resolution.

Very respectfully,

ELIHU ROOT,  
*Secretary of War.*

The PRESIDENT PRO TEMPORE, UNITED STATES SENATE.

REC'D NOV 24 1905





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JOURNAL  
OF THE  
PROVISIONAL CONGRESS OF THE CONFEDERATE  
STATES OF AMERICA.

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*First session.*

Held at Montgomery, Ala., February 4, 1861, to March 16, 1861.

*Second session (called).*

Held at Montgomery, Ala., April 29, 1861, to May 21, 1861.

*Third session.*

Held at Richmond, Va., July 20, 1861, to August 31, 1861.

*Fourth session (called).*

Held at Richmond, Va., September 3, 1861.

*Fifth session.*

Held at Richmond, Va., November 18, 1861, to February 17, 1862.

*Constitutional convention.*

Held at Montgomery, Ala., February 28, 1861, to March 11, 1861.

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PROVISIONAL CONGRESS  
OF  
THE CONFEDERATE STATES.

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FIRST SESSION, FEBRUARY 4, 1861, TO MARCH 16, 1861.

IN THE CAPITOL OF THE STATE OF ALABAMA,  
*Montgomery, February 4, 1861.*

OPEN SESSION.

Be it remembered that on the fourth day of February, in the year of our Lord one thousand eight hundred and sixty-one, and in the Capitol of the State of Alabama, in the city of Montgomery, at the hour of noon, there assembled certain deputies and delegates from the several independent Southern States of North America, to wit: Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina; the said delegates and deputies being thus assembled and convened under and by virtue of divers ordinances and resolutions adopted by the several conventions of the peoples of the independent States aforementioned; which said ordinances and resolutions are severally as follows:

An ordinance to dissolve the Union between the State of South Carolina and the other States united with her under the compact entitled "The Constitution of the United States of America."

*We the people of the State of South Carolina in convention assembled do declare and ordain and it is hereby declared and ordained, That the ordinance adopted by us in convention, on the 23d day of May, in the year of our Lord 1788, whereby the Constitution of the United States of America was ratified, and also all acts and parts of acts of the general assembly of this State, ratifying amendments of the said Constitution, are hereby repealed, and that the Union now subsisting between South Carolina and other States under the name of the United States of America is hereby dissolved.*

Unanimously adopted 20th day of December, A. D. 1860.

An ordinance to dissolve the Union between the State of Georgia and other States united with her under a compact of Government entitled "The Constitution of the United States of America," passed January 19, 1861.

*We the people of the State of Georgia in convention assembled do declare and ordain and it is hereby declared and ordained, That the ordinance adopted by the people of the State of Georgia in convention on the 2d day of January, in the year of our Lord 1788, when the Constitution of the United States was assented to, ratified, and adopted, and also all acts and parts of acts of the general assembly of this State, ratifying and adopting amendments of the said Constitution, are hereby repealed, rescinded, and abrogated.*

*We do further declare and ordain, That the Union now subsisting between the State of Georgia and other States under the name of the United States of America is hereby dissolved, and that the State of Georgia is in the full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent State.*

The ordinance of secession of the State of Florida.

*We the people of the State of Florida in convention assembled do solemnly ordain, publish, and declare, That the State of Florida hereby withdraws herself from the Confederacy of States existing under the name of the United States of America and from the existing Government of said States, and that all political connection between her*

and the Government of the said States, ought to be, and the same is hereby, totally annulled and said Union of States dissolved, and the State of Florida is hereby declared a sovereign and independent nation, and that all ordinances heretofore adopted, in so far as they create or recognize said Union, are rescinded, and all laws or parts of laws in force in this State, in so far as they recognize or assent to said Union be, and they are hereby, repealed.

Adopted, January 11, A. D. 1861.

An ordinance to dissolve the Union between the State of Alabama and the other States under the compact and style of the United States of America.

Whereas the election of Abraham Lincoln and Hannibal Hamlin to the office of President and Vice-President of the United States of America by a sectional party avowedly hostile to the domestic institutions and peace and security of the people of the State of Alabama, following upon the heels of many and dangerous infractions of the Constitution of the United States by many of the States and people of the northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security: Therefore,

*Be it declared and ordained by the people of the State of Alabama in convention assembled,* That the State of Alabama now withdraws from the Union known as the United States of America and henceforth ceases to be one of the said United States, and is, and of right ought to be, a sovereign independent State.

SEC. 2. *And be it further declared by the people of the State of Alabama in convention assembled,* That all powers over the territories of said State and over the people thereof heretofore delegated to the Government of the United States of America be, and they are hereby, withdrawn from the said Government and are hereby resumed and vested in the people of the State of Alabama.

And as it is the desire and purpose of the people of Alabama to meet the slaveholding States, who approve of such purpose, in order to frame a provisional or a permanent government, upon the principles of the Government of the United States;

*Be it also resolved by the people of Alabama in convention assembled,* That the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, and Missouri be, and they are hereby, invited to meet the people of the State of Alabama by their delegates in convention, on the 4th day of February next, in Montgomery, in the State of Alabama, for the purpose of consultation with each other as to the most effectual mode of securing connected, harmonious action in whatever measure may be deemed most desirable for the common peace and security.

*And be it further resolved,* That the president of this convention be, and he is hereby, instructed to transmit forthwith a copy of the foregoing preamble, ordinance, and resolutions to the governors of the several States named in the said resolutions.

Done by the people of Alabama in convention assembled at Montgomery, this 11th day of January, 1861.

An ordinance to dissolve the Union between the State of Mississippi and other States united with her under the compact entitled "The Constitution of the United States of America."

The people of Mississippi in convention assembled do ordain and declare and it is hereby ordained and declared as follows, to wit:

SECTION 1. That all the laws and ordinances by which the said State of Mississippi became a member of the Federal Union of the United States of America be, and the same are hereby, repealed, and that all obligations on the part of said State, or the people thereof, to observe the same, be withdrawn, and that said State shall hereby resume the rights, functions, and powers which by any of said laws and ordinances were conveyed to the Government of the said United States, and is absolved from all the obligations, restraints, and duties incurred to the said Federal Union, and shall henceforth be a free, sovereign, and independent State.

SEC. 2. That so much of the first section of the seventh article of the constitution of this State as requires members of the legislature and all officers, legislative and judicial, to take an oath to support the Constitution of the United States be, and the same is hereby, abrogated and annulled.

SEC. 3. That all rights acquired and vested under the Constitution of the United States, or under any act of Congress passed in pursuance thereof, or under any law of this State and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed.

SEC. 4. That the people of the State of Mississippi hereby consent to form a federal union with such of the States as have seceded, or may secede, from the Union of the United States of America, upon the basis of the present Constitution of the said United States, except such parts thereof as embrace other portions than such seceding States.

Adopted, 11th day of January, A. D. 1861.



An ordinance to dissolve the Union between the State of Louisiana and other States united with her under the compact entitled "The Constitution of the United States."

*We the people of the State of Louisiana in convention assembled do declare and ordain and it is hereby declared and ordained,* That the ordinance passed by us in convention on the 22d day of November, in the year 1811, whereby the Constitution of the United States of America and the amendments of said Constitution were adopted, and all laws and ordinances by which the State of Louisiana became a member of the Federal Union be, and the same are hereby, repealed and abrogated, and that the Union now subsisting between Louisiana and other States under the name of "The United States of America" is hereby dissolved.

*We do further declare and ordain,* That the State of Louisiana hereby resumes all rights and powers heretofore delegated to the Government of the United States of America; that her citizens are absolved from all allegiance to said Government, and that she is in full possession and exercise of all those rights of sovereignty which appertain to a free and independent State.

*We do further declare and ordain,* That all rights acquired and vested under the Constitution of the United States, or any act of Congress, or treaty, or under any law of this State, and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed.

Adopted in convention at Baton Rouge, this 26th day of January, 1861.

Resolution of the convention of Louisiana in reference to the free navigation of the Mississippi River.

*Resolved,* That we the people of the State of Louisiana recognize the right of the free navigation of the Mississippi River and its tributaries by all friendly States bordering thereon, and we also recognize the right of egress and ingress of the mouths of the Mississippi River by all friendly States and powers, and we do hereby declare our willingness to enter into any stipulations to guarantee the exercise of said rights.

Adopted in convention at Baton Rouge, this 26th day of January, 1861.

Resolutions adopted by the convention of South Carolina.

*Resolved, First.* That this convention do appoint a commissioner to proceed to each of the slaveholding States that may assemble in convention, for the purpose of laying our ordinance of secession before the same and respectfully inviting their cooperation in the formation of a southern confederacy.

*Second.* That our commissioners aforesaid be further authorized to submit, on our part, the Federal Constitution as a basis of a provisional government for such States as shall have withdrawn their connection with the Government of the United States of America: *Provided,* That the said provisional government and the tenure of all officers and appointments arising under it shall cease and determine in two years from the 1st day of July next, or when a permanent government shall have been organized.

*Third.* That the said commissioners be authorized to invite the seceding States to meet in convention, at such time and places as may be agreed upon, for the purpose of forming and putting in motion such provisional government, and so that the said provisional government shall be organized and go into effect at the earliest period previous to the 4th of March, 1861; and that the same convention of seceding States shall proceed forthwith to consider and propose a constitution and a plan for a permanent government for such States, which proposed plan shall be referred back to the several State conventions for their adoption or rejection.

*Fourth.* That eight deputies shall be elected by ballot by this convention, who shall be authorized to meet in convention such deputies as may be appointed by the other slaveholding States who may secede from the Federal Union, for the purpose of carrying into effect the foregoing resolutions; and that it be recommended to the said States that each State be entitled to one vote in the said convention upon all questions which may be voted upon therein, and that each State send as many deputies as are equal in number to the Senators and Representatives to which it was entitled in the Congress of the United States.

Resolutions adopted by the convention of Alabama, January 17, 1861.

*Resolved,* That this convention cordially approve of the suggestions of the convention of the people of South Carolina to meet them in convention at Montgomery, in the State of Alabama, on the 4th day of February, 1861, to frame a provisional government upon the principles of the Constitution of the United States, and also to prepare and consider upon a plan for the creation and establishment of a permanent government for the seceding States upon the same principles, which shall be submitted to conventions of such seceding States for adoption or rejection.

*Resolved,* That we approve of the suggestion that each State shall send to said convention as many deputies as it now has or has lately had Senators and Representatives in the Congress of the United States; and that each State shall have one vote upon all questions upon which a vote may be taken in said convention.

*Resolved*, That this convention will proceed to elect by ballot one deputy from each Congressional district in this State and two deputies from the State at large at 12 o'clock m. on Friday, the 18th day of January instant, who shall be authorized to meet in convention such deputies as may be appointed by the other slaveholding States who may secede from the Federal Union, for the purpose of carrying into effect the foregoing and the resolutions attached to the ordinance dissolving the Union; and that deputies shall be elected separately, and each deputy shall receive a majority of the members voting.

An ordinance to provide for the appointment of delegates to a convention to form a southern confederacy.

*We the people of Louisiana in convention assembled do declare and ordain and it is hereby declared and ordained:*

First. That this convention will, on the 30th day of January instant, at the hour of 12 m., proceed to elect viva voce six delegates, two from the State at large and one from each Congressional district, to represent this State in the convention of seceding States proposed to be held at Montgomery, in the State of Alabama, on the 4th day of February, 1861, for the purpose of securing concerted and harmonious action, and also of forming a provisional government for those States which have seceded and which may secede and intend to form a southern confederacy.

Second. That the said delegates be instructed to aid in forming a provisional government on the basis of the Constitution of the United States for such States as have seceded, or may secede, to be established and put into operation before the 4th day of March, 1861, and that the same convention of seceding States shall proceed forthwith to consider and propose a constitution and plan for a permanent government for such States, which proposed plan shall be referred back to the several State conventions for their adoption or rejection.

Third. That this convention accepts the recommendation of the State of South Carolina, that each State be entitled to one vote in the said convention upon all questions which may be voted upon therein, and that each State send as many delegates as are equal in number to the number of Senators and Representatives to which it was entitled in the Congress of the United States.

Fourth. That if from any cause the said convention should not assemble at the time and place above mentioned, then and in that event the said delegates be, and they are hereby, accredited to any convention of seceding States which may meet at any other time and place, having for its object the formation of a government and the establishing of a confederacy, as hereinbefore prescribed, and which may adjourn to meet at any other time and place.

Adopted in convention at the city of New Orleans, this 29th day of January, 1861.

Resolutions by the convention of the State of Georgia.

*Resolved*, That the delegates sent from this State by this convention to the proposed congress to assemble at Montgomery, Ala., on the 4th day of February next, be fully authorized and empowered, upon free conference and consultation with delegates that may be sent from other seceding States to said congress, to unite with them in forming and putting into immediate operation a temporary or provisional government for the common safety and defense of all the States represented in said congress, such temporary or provisional government not to extend beyond the period of twelve months from the time it goes into operation, and to be modeled, as nearly as practicable, on the principles and basis of the late Government of the United States of America, the powers of the delegates so appointed by this convention in this particular being hereby declared full and plenary.

*Be it further resolved*, That said delegates be likewise authorized, upon like conference and consultation with the delegates from the other States in said congress, to agree upon a plan of permanent government for said States upon the principles and basis of the Constitution of the late United States of America, which said plan or constitution of permanent government shall not be binding or obligatory upon the people of Georgia until submitted to, approved, and ratified by this convention.

Mr. William P. Chilton, of Alabama, called the Congress to order, and moved that Mr. Robert W. Barnwell, of South Carolina, be appointed to preside temporarily over the Congress and until its permanent organization; and said motion was unanimously concurred in.

Mr. Barnwell assumed the chair, and tendered his thanks to the Congress for the proof of their confidence and respect.

The Chairman then called on the Rev. Dr. Basil Manly, of Montgomery, who offered up an impressive prayer to Almighty God in behalf of the Congress and the States whose interests it represents.

On motion of Mr. John Gill Shorter, of Alabama, A. R. Lamar, esq., of Georgia, was appointed temporary secretary.

Mr. Robert B. Rhett, of South Carolina, suggested that the proper time had arrived for the presentation of their credentials by the deputies of this Congress.

Mr. Christopher G. Memminger, of South Carolina, then moved that the deputies from the several independent Southern States now present their credentials to the secretary, in the alphabetical order of the several States, and that they also sign the roll of the Congress.

And thereupon the deputies whose names are underwritten appeared and signed said roll, to wit:

*From the State of—*

ALABAMA.....	R. W. Walker. R. H. Smith. J. L. M. Curry. William P. Chilton. S. F. Hale. Colin J. McRae. Jno. Gill Shorter.
FLORIDA .....	Jas. B. Owens. J. Patton Anderson.
GEORGIA .....	Robert Toombs. Howell Cobb. Francis S. Bartow. Martin J. Crawford. Eugenius A. Nisbet. Benj. H. Hill. A. R. Wright. Thomas R. R. Cobb. Augustus H. Kenan. Alex. H. Stephens.
LOUISIANA.....	John Perkins, jr. Edward Sparrow. A. De Clouet. D. F. Kenner. Henry Marshall.
MISSISSIPPI .....	W. P. Harris. Walker Brooke. W. S. Wilson. W. S. Barry. J. T. Harrison.
SOUTH CAROLINA .....	R. B. Rhett, sr. R. W. Barnwell. L. M. Keitt. James Chesnut, jr. C. G. Memminger. W. Porcher Miles. Thomas J. Withers. W. W. Boyce.



And the said several deputies presented, respectively, their credentials, which are severally as follows, to wit:

STATE OF ALABAMA.

At a convention of the people of the State of Alabama, begun and holden at Montgomery, on Monday, the 7th day of January, 1861.

Report and resolutions adopted by the convention on the 17th day of January, 1861.

Report and resolutions from the Committee of Thirteen upon the formation of a provisional and permanent government between the seceding States.

The Committee of Thirteen beg leave to report that they have had under consideration the "Report and resolutions from the Committee on Relations with the Slaveholding States," providing for the formation of a provisional and permanent government by the seceding States, adopted by the people of the State of South Carolina, in convention, on the 31st day of December, 1860, and submitted to this body by the Hon. A. P. Calhoun, commissioner from South Carolina, which report and resolutions were referred to this committee.

They have also had under consideration the resolutions upon the same subject, referred to them, which were submitted by the delegates from Barbour and from Tallapoosa. All of these resolutions contemplate the purpose of forming confederate relations with such of our sister States of the South as may desire to do so. The only disagreement between them is as to the details in effecting that object. The committee unanimously concur in the purpose and plan proposed by the convention of the people of South Carolina. In the opinion of the committee there has never been any hostility felt by any portion of the people of Alabama against the Constitution of the United States of America. The widespread dissatisfaction of the people of this State, which has finally induced them to dissolve the Union, styled the United States of America, has been with the conduct of the people and legislatures of the Northern States setting at naught one of the plainest provisions of the Federal compact, and with other dangerous misinterpretations of that instrument, leading them to believe that the Northern people design, by their numerical majority, acting through the forms of government, ultimately to destroy many of our most valuable rights.

With the people of South Carolina we believe that the Federal Constitution "presents a complete scheme of confederation, capable of being speedily put into operation;" that its provisions and true import are familiar to the people of the South, "many of whom are believed to cherish a degree of veneration for it," and that all "would feel safe under it when in their own hands for interpretation and administration, especially as the portions that have been by perversion made potent for mischief and oppression, in the hands of adverse and inimical interests, have received a settled construction by the South; that a speedy confederation by the South is desirable in the highest degree, which it is supposed must be temporary at first (if accomplished as soon as it should be), and no better basis than the Constitution of the United States is likely to be suggested or adopted." This convention, in the resolutions accompanying the ordinance dissolving the Union, have already responded to the invitation of the people of South Carolina to meet them in convention for the purpose indicated in their resolutions, and have named Montgomery, in this State, and the 4th day of February, as the appropriate place and time at which to meet. In fixing the time and place this convention but concurred in the suggestions of the honorable gentleman representing the people of South Carolina before this body. We are aware that several of our sister States, which have indicated a disposition to secede from the Union, and have called conventions of their people, may not be able to meet us at so early a day, but the great importance to the States which have already seceded, and which are likely to secede by that date, of having a common government to manage their Federal and foreign affairs in the emergency now pressing upon them outweighed, in the opinion of the committee, the consideration which suggested delay. The committee more readily come to this conclusion, as the convention which will meet on the 4th of February will at first be engaged in the formation of a provisional government, leaving the more important question of a permanent government to be considered of at a later day, by which time it is hoped and believed that all the Southern States will be in a condition to send deputies to the convention and participate in its councils. It was thought also that the proposition to form the provisional government upon the basis of the Federal Constitution, so much revered by all the Southern States, will meet with the approval of all those who may secede. The committee are also of opinion that the election of the deputies to meet the people of our sister States in convention should be made by this convention. To submit the election to the people

would involve a dangerous delay and it would be impracticable to secure an election by the people before the 4th of February next.

The committee therefore recommend to the convention the adoption of the following resolutions, viz:

*Resolved*, That this convention cordially approve of the suggestions of the convention of the people of South Carolina to meet them in convention at Montgomery, in the State of Alabama, on the 4th day of February, to frame a provisional government upon the principles of the Constitution of the United States, and also to prepare and consider upon a plan for the creation and establishment of a permanent government for the seceding States upon the same principles, which shall be submitted to the conventions of such seceding States for adoption or rejection.

*Resolved*, That we approve of the suggestion that each State shall send to said convention as many deputies as it now has, or has lately had, Senators and Representatives in the Congress of the United States; and that each State shall have one vote upon all questions upon which a vote may be taken in said convention.

*Resolved, therefore*, That this convention will proceed to elect, by ballot, one deputy from each Congressional district in this State, and two deputies from the State at large, at 12 o'clock meridian, on Friday, the 18th of January instant, who shall be authorized to meet in convention such deputies as may be appointed by the other slaveholding States who may secede from the Federal Union, for the purpose of carrying into effect the foregoing and the resolutions attached to the ordinance dissolving the Union; and that said deputies shall be elected separately, and each deputy shall receive a majority of the members voting.

Adopted, January 17, 1861.

And in pursuance of said resolutions the following deputies were elected by said convention:

*Deputies for the State at large.*

Hon. Richard W. Walker, of Lauderdale.

Hon. Robert H. Smith, of Mobile.

*Deputies for the districts.*

First district, Gen. Colin J. McRae, of Mobile.

Second district, Hon. John Gill Shorter, of Barbour.

Third district, Hon. W. P. Chilton, of Montgomery.

Fourth district, Hon. Stephen F. Hale, of Greene.

Fifth district, Hon. David P. Lewis, of Lawrence.

Sixth district, Dr. Thomas Fearn, of Madison.

Seventh district, Hon. J. L. M. Curry, of Talladega.

The foregoing is a true copy.

In witness whereof I hereunto set my hand this the 29th day of January, A. D. 1861.

WILLIAM M. BROOKS,  
*President of the Convention.*

Attest:

A. G. HORN,  
*Secretary of the Convention.*

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA.

*To all to whom these presents may come, greeting:*

Whereas J. Patton Anderson hath been appointed by the governor and approved by the convention of said State, by virtue of an ordinance of said convention, to be a delegate to represent the State of Florida in a convention of States composed of such slaveholding States as have now, or shall have before the final adjournment of said convention, dissolved their connection with the late Federal Union:

Now, therefore, the said J. Patton Anderson is hereby duly commissioned to be such delegate, according to the ordinance aforesaid, to represent this State in the convention of slaveholding States (as have now, or shall have before the final adjournment of said convention, dissolved their connection with the late Federal Union), to be holden at Montgomery, in the State of Alabama, on the 13th day of February next, or at such other time and place as may be agreed upon by the delegates appointed for the purpose of forming a provisional government for a southern confederacy, to continue of force until superseded by the organization of a permanent government; and after said provisional government shall have been organized said delegates shall proceed to form a permanent government for said confederacy.

In testimony whereof the governor of said State has signed this commission and caused the great seal of the State to be affixed thereto, at the capitol in Tallahassee, this 21st day of January, anno Domini 1861.

[SEAL.]

M. S. PERRY,  
*Governor of Florida.*

By the governor.

Attest:

F. L. VILLEPIGUE,  
*Secretary of State.*

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA.

*To all to whom these presents may come, greeting:*

Whereas James B. Owens hath been appointed by the governor and approved by the convention of said State, by virtue of an ordinance of said convention, to be a delegate to represent the State of Florida in a convention of States composed of such slaveholding States as have now, or shall have before the final adjournment of said convention, dissolved their connection with the late Federal Union:

Now, therefore, the said James B. Owens is hereby duly commissioned to be such delegate, according to the ordinance aforesaid, to represent this State in the convention of slaveholding States (as have now, or shall have before the final adjournment of said convention, dissolved their connection with the late Federal Union), to be holden at Montgomery, in the State of Alabama, on the 13th day of February next, or at such other time and place as may be agreed upon by the delegates appointed for the purpose of forming a provisional government for a southern confederacy, to continue of force until superseded by the organization of a permanent government; and after said provisional government shall have been organized said delegates shall proceed to form a permanent government for said confederacy.

In testimony whereof the governor of said State has signed this commission and caused the great seal of the State to be affixed thereto, at the capitol in Tallahassee, this 21st day of January, A. D. 1861.

[SEAL.]

M. S. PERRY,  
*Governor of Florida.*

By the governor.

Attest:

F. L. VILLEPIGUE,  
*Secretary of State.*

STATE OF GEORGIA.

The people of the State of Georgia in convention assembled having passed a resolution authorizing the appointment of, and having appointed, two delegates at large and eight other delegates, corresponding in number to the representation of said State in the Congress of the late United States, and having also instructed said delegates to meet a Congress of the delegates of the States which have withdrawn from the Government of the United States at Montgomery, in the State of Alabama, on the 4th day of February next, with such other instructions as shall be given them by this convention.

Be it therefore known, in obedience to and by virtue of said resolutions, I, the president of said convention, do hereby commission the Hon. Robert Toombs and the Hon. Howell Cobb as delegates at large, and the Hons. F. S. Bartow, M. J. Crawford, E. A. Nisbet, B. H. Hill, A. R. Wright, T. R. Cobb, A. H. Kenan, and A. H. Stephens as delegates to said Congress, at the time and place aforesaid, and to do and perform all acts in conformity to said resolutions and instructions.

In witness whereof I, the said president, have hereto set my hand, at Milledgeville, on the 29th of January, A. D. 1861.

GEO. W. CRAWFORD,  
*President of the Convention.*

THE PEOPLE OF THE STATE OF LOUISIANA IN CONVENTION ASSEMBLED.

*To all to whom it may concern, greeting:*

This shall certify that by virtue of an ordinance adopted on the 29th day of January, 1861, by the people of the State of Louisiana in convention assembled, Messrs. John Perkins, jr., Alexander De Clouet, Charles M. Conrad, Duncan F. Kenner, Edward Sparrow, and Henry Marshall were duly elected and are hereby fully authorized and empowered to act as delegates, to represent the people of the State of Louisiana



in the convention of the seceding States, to be held at Montgomery, in the State of Alabama, on the 4th day of February, 1861, or in any other convention of seceding States which may meet at any other time and place.

Given under my hand and seal of the convention, at the city of New Orleans, this 31st day of January in the year of our Lord 1861.

[SEAL.]

A. MOUTON,

*President of the Convention.*

A true copy from the original.

J. THOMAS WHEAT,

*Secretary of the Convention.*

I, William S. Barry, president of the Mississippi State convention, do hereby certify that A. M. Clayton, James T. Harrison, William S. Barry, J. A. P. Campbell, Wiley P. Harris, Walker Brooke, and William S. Wilson were on the 23d January, 1861, duly elected by said convention delegates to represent said State in the convention of the seceding States to meet at Montgomery, Ala., on the 4th of February, 1861.

WILLIAM S. BARRY,

*President Mississippi State Convention.*

#### THE STATE OF SOUTH CAROLINA.

*By Francis W. Pickens, governor of the State of South Carolina:*

Whereas at a convention of the people of South Carolina, begun and holden at Columbia, on the 17th day of December, in the year of our Lord 1860, and thence continued by adjournment to Charleston, and there by divers adjournments to the 22d day of December in the same year, it was

*Resolved*, First. That this convention do appoint a commissioner to proceed to each of the slaveholding States that may assemble in convention, for the purpose of laying our ordinance of secession before the same and respectfully inviting their cooperation in the formation with us of a southern confederacy.

Second. That our commissioners aforesaid be further authorized to submit on our part the Federal Constitution as the basis of a provisional government for such States as shall have withdrawn from their connection with the Government of the United States of America: *Provided*, That the said provisional government, and the tenures of all officers arising under it, shall cease and determine in two years from the 1st day of July next, or when a permanent [government] shall have been organized.

Third. That the said commissioners be authorized to invite the seceding States to meet in convention at such time and place as may be agreed upon for the purpose of forming and putting in motion such provisional government, and so that the said provisional government shall be organized and go into effect at the earliest period previous to the 4th day of March, 1861, and that the same convention of seceding States shall proceed forthwith to consider and propose a constitution and plan for a permanent government for such States, which proposed plan shall be referred back to the several State conventions for their adoption or rejection.

Fourth. That eight deputies shall be elected, by ballot, by this convention, who shall be authorized to meet in convention such deputies as may be appointed by the other slaveholding States, who may secede from the Federal Union, for the purpose of carrying into effect the foregoing resolutions, and that it be recommended to the said States that each State be entitled to one vote in the said convention upon all questions which may be voted upon therein, and that each State send as many deputies as are equal in number to the number of Senators and Representatives to which it was entitled in the Congress of the United States; and

Whereas Robert Barnwell Rhett, Robert W. Barnwell, Christopher Gustavus Memminger, James Chesnut, jr., William Porcher Miles, Lawrence M. Keitt, Thomas J. Withers, and William W. Boyce were duly elected deputies as aforesaid by said convention, now know ye, that reposing special trust and confidence in the ability, integrity, and fitness of Robert Barnwell Rhett, Robert W. Barnwell, Christopher G. Memminger, James Chesnut, jr., William P. Miles, Lawrence M. Keitt, Thomas J. Withers, and William W. Boyce, do hereby, in compliance with the appointment made by the said convention of the people of this State, under authority from that body, commission you the said Robert Barnwell Rhett, Robert W. Barnwell, Christopher G. Memminger, James Chesnut, jr., William P. Miles, Lawrence M. Keitt, Thomas J. Withers, and William W. Boyce to proceed to the place designated for holding said convention and there to discharge the duties intrusted to you by the said resolutions, with full power and authority to do all legal and proper acts in the premises.

Given under my hand and the seal of the State at Charleston, this 31st day of January, in the year of our Lord 1861, and in the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

[SEAL.]

F. W. PICKENS.

By the governor:

JAMES A. DUFFUS,

*Deputy Secretary of State.*

Mr. Rhett moved that the Congress now proceed to the election of a president of the same, and put in nomination the name of Mr. Howell Cobb, of Georgia, and further moved that he be declared president by acclamation.

The motion prevailed, and Mr. Cobb was chosen permanent President by acclamation.

Mr. Rhett moved that a committee of three be appointed to inform Mr. Cobb of his election and conduct him to the chair.

The motion prevailed, and the Chairman appointed Messrs. Rhett, Walker, and Anderson to perform that duty; which being done •

Mr. Cobb, after taking the chair, addressed the Congress as follows:

Accept, gentlemen of the convention, my sincere thanks for the honor you have conferred upon me. I shall endeavor, by a faithful and impartial discharge of the duties of the Chair, to merit, in some degree at least, the confidence you have reposed in me.

The occasion which assembles us together is one of no ordinary character. We meet as representatives of sovereign and independent States, who by their solemn judgment have dissolved the political association which connected them with the Government of the United States. Of the causes which have led to this decision it is unnecessary now to speak. It is sufficient to announce that, by the judgment of our constituents, they have been pronounced ample and sufficient. It is now a fixed and an irrevocable fact. The separation is perfect, complete, and perpetual.

The great duty is now imposed upon us of providing for these States a government for their future security and protection. We can and should extend to our sister States—our late sister States—who are identified with us in interests, feelings, and institutions, a cordial welcome to unite with us in a common destiny, desirous at the same time of maintaining with our former Confederates, as with the world, the most peaceful and friendly relations, both political and commercial.

Our responsibilities, gentlemen, are great, and I doubt not we shall prove equal to the occasion. Let us assume all the responsibility which may be necessary for the successful completion of the great work committed to our care, placing before our countrymen and the world our acts and their results as the justification for the course we may pursue and the policy we may adopt. With a consciousness of the justice of our cause, and with confidence in the guidance and blessing of a kind Providence, we will this day inaugurate for the South a new era of peace, security, and prosperity.

On motion of Mr. Chilton, the Congress proceeded to the election of a secretary.

Mr. Chilton put in nomination the name of Johnson J. Hooper, of the State of Alabama.

On motion of Mr. Toombs, Mr. Hooper was elected Secretary by acclamation.

On motion of Mr. Withers, the President was authorized to appoint a doorkeeper and messenger.

On motion of Mr. Stephens, the President was authorized to appoint a committee of five to report rules for the government of the Congress; which committee as announced by the President is Messrs. Stephens, Keitt, Curry, Harrison, and Perkins.

On motion of Mr. Boyce, the Congress adjourned until to-morrow, 12 o'clock m.



TUESDAY, FEBRUARY 5, 1861.

## OPEN SESSION.

The Congress met pursuant to adjournment.

Prayer was offered by Rev. Mr. Mitchell.

On the motion of Mr. Withers, the President appointed Robert Wynn as Doorkeeper and John Wadsworth as Messenger.

Mr. Shorter moved that the Secretary be authorized to appoint an assistant secretary and a journal clerk.

The motion prevailed, and the Secretary appointed Robert E. Dixon Assistant Secretary, and Wiley N. Hutchins Journal Clerk.

Mr. Stephens, from the Committee on Rules, made the following report, to wit:

First. The vote upon all questions in this Congress, except as hereafter otherwise provided, shall be taken by States; each State shall be entitled to one vote. A majority of all the States represented shall be necessary to carry any question. The delegates of each State may designate the member to cast the vote of their State, and upon the motion of any member, seconded by one-fifth of the members present, or at the instance of any one State, the yeas and nays of the entire body shall be spread upon the Journals upon any question.

Second. Any number of members from a majority of the States now represented, or hereafter to be represented by duly accredited delegates from States seceding from the late United States of America shall constitute a quorum to transact business.

Third. The President having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistakes in the entries shall upon motion then be corrected.

Fourth. No member shall speak to another, or otherwise interrupt the business of the Congress, while the Journals or public papers are being read or when any member is speaking in debate.

Fifth. Every member when he speaks shall address the Chair, standing in his place, and when he has finished shall sit down.

Sixth. No member shall speak more than twice in any one debate on the same question and on the same day without leave of a majority of the members present.

Seventh. When two or more members rise at the same time the President shall name the person to speak, but in all cases the member who shall rise first and address the Chair shall speak first.

Eighth. The President shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal by any one State; and may call any member to the chair to preside temporarily, not to extend beyond that day's session. He may participate in the debates.

Ninth. When any member is called to order by the President or any member, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the body.

Tenth. If any member be called to order by another member for words spoken, the exceptionable words spoken shall immediately be taken down in writing, that the President may be better able to judge the matter.

Eleventh. No member shall in debate use any language reflecting injuriously upon the character, motives, honor, or integrity of any other member.

Twelfth. No motion shall be debated until the same shall receive a second; and when a motion shall be made and seconded it shall be reduced to writing, if desired by the President or any member, delivered in at the table and read before the same shall be debated.

Thirteenth. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider, which shall not be withdrawn without leave of the body.

Fourteenth. When a question has been once made and carried in the affirmative or negative a motion to reconsider shall be entertained at the instance of any State, if made on the same day on which the vote was taken, or within the two next days of actual session. When a motion to reconsider shall be made its consideration shall take precedence of the regular order of business, unless a majority of the members present shall fix some other time.

Fifteenth. When a question is under debate no motion (except one to reconsider some other question passed upon) shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged, and the motion to adjourn shall always be in order and decided without debate.

Sixteenth. If the question for decision contain several parts any member may have the same divided, but on a motion to strike out and insert it shall not be in order to move for a division of the question; but the rejection of a motion to strike [out] and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent proposition simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Seventeenth. In filling up blanks the largest sum and longest time shall be first put.

Eighteenth. The unfinished business in which the Congress may be engaged on adjournment shall be the first business in order on the next day sitting.

Nineteenth. After the Journal is read and the unfinished business, if any, of the previous day's sitting is disposed of, the regular order of business shall be as follows:

*First.* The call of the States alphabetically, for memorials or any matter, measure, resolution, or proposition which any member may desire to bring before Congress.

*Second.* The call of committees for reports—the call of the committees to be made in the order of their appointment. Such reports of committees as may not be otherwise disposed of when made shall be numbered in the order in which they are presented and be placed in that order on the Calendar of the regular orders of the day.

*Third.* The Calendar, or the regular orders of the day, shall then be taken up, and every resolution, proposition, or measure shall be disposed of in the order in which it there stands. No special order shall be made against this rule, except by a vote of a majority of the States, and such majority may, at any time, change the order of business.

Twentieth. Every resolution or measure submitted for the action of Congress shall receive three regular readings previous to its being passed. The President shall give notice at each reading whether it be the first, second, or third reading. No resolution or measure shall be committed or amended until it shall have been twice read, after which it may be subject to motion to amend or to refer to a committee. And all such matters on second reading shall first be considered by the Congress in the same manner as if Congress were in Committee of the Whole. The final question on the second reading of any matter not referred to a committee shall be, "whether it shall be engrossed and read a third time," and no amendment shall be received after the engrossment for a third reading has been ordered. But it shall at all times be in order, before the final passage or action on any matter, to move its commitment, and should such commitment take place, and any amendment be reported by the committee, the whole shall be again read a second time and considered as in Committee of the Whole, and then the aforesaid question shall be again put.

Twenty-first. After any matter is ordered to be engrossed and it has been read a third time, the question shall be, Shall the resolution (or the matter, whatever it may be) now pass?

Twenty-second. All resolutions or other matter on the second and third reading may be read by the title, unless the reading of the whole shall be desired by a majority of those present.

Twenty-third. The titles of resolutions and other matters submitted, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the Journals.

Twenty-fourth. No motion for the previous question shall be entertained, but upon the call of any member for the question, if seconded by a majority of the members present, the vote shall be immediately taken on the pending question, whatever it may be, without further debate.

Twenty-fifth. A motion to lay any amendment on the table prevailing, shall carry with it only the amendment, and not the original proposition or matter.

Twenty-sixth. Stenographers and reporters for the press wishing to take down the proceedings of Congress may be admitted by the President, who shall assign such places to them on the floor to effect their object as shall not interfere with the convenience of members in open session.

Twenty-seventh. On motion made and seconded by another member to close the doors on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the doors to be closed and the gallery to be cleared, and during the discussion of such question no one shall be permitted to remain upon the floor but the members of the body and its officers.

Twenty-eighth. Any officer or member of the Congress convicted of disclosing any matter directed by the body to be held in confidence, shall be liable, if an officer, to be dismissed from service; and in case of a member, to suffer expulsion from the body.

Twenty-ninth. All cases that may arise in the proceedings of this Congress not provided for in the foregoing rules shall be governed by the general principles of parliamentary law as laid down in Jefferson's Manual.

On motion of Mr. Kenner, the twenty-fourth rule was amended by striking out the word "members" and inserting in lieu thereof the word "States."

On motion of Mr. Memminger, the report of the committee as amended was adopted and ordered to be printed in pamphlet form for the use of the Congress.

Mr. Curry offered the following resolution, to wit:

*Resolved*, That Messrs. Shorter and Reid be appointed printers to this Congress while it holds its sessions in Montgomery, and that [all] the work to be done shall, in style and quality, equal that done for the State of Alabama, and shall be paid for at the same proportionate rates of compensation;

which was taken up, read three times, and adopted.

Mr. Nisbet offered the following resolution; which was taken up, read three times, and adopted, to wit:

*Resolved*, That the reverend clergy of this city be, and they are hereby, invited to open the sessions of the Congress with prayer; and that a committee of three, selected from the Alabama delegation, be appointed by the Chair to extend to them this invitation, and to arrange with them for the performance of the service.

The committee appointed by the President are Messrs. Chilton, Hale, and Curry.

On motion of Mr. Stephens, the Congress agreed that the hour for meeting each day shall be 12 o'clock until otherwise ordered.

On motion of Mr. Chesnut, the States were called in alphabetical order for the purpose of the presentation of resolutions; when Mr. Memminger of South Carolina offered the following resolutions, to wit:

*Resolved*, That this convention deems it expedient forthwith to form a Confederacy of the States which have seceded from the Federal Union, and that a committee be appointed to report a plan of a provisional government for the same upon the basis of the Constitution of the United States.

Second. That the committee consist of thirteen members, to be appointed as follows, namely: The chairman by the convention and two members to be nominated by the delegation from each State.

Third. That all propositions in relation to the provisional government be referred to this committee.

The same having been read twice, on motion of Mr. Stephens was amended by striking out in the first and second resolutions the word "convention" and substituting in lieu thereof the word "Congress."

Mr. Bartow moved to amend by striking out the original resolutions and inserting in lieu thereof the following, to wit:

Whereas the States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana have dissevered the political ties which bound them to the compact of Union known as the United States of America; and through duly authorized delegates are now assembled in a Congress of sovereign States to provide for their common defense, to promote their general welfare, and to establish an enduring government, by which their rights, domestic tranquillity, and social institutions may be forever maintained, looking to the concurrence of such of their late confederates as may unite with them for these great objects; and

Whereas this Congress is empowered to establish a provisional government until a permanent constitution and government can be constructed;

*Resolved*, That a committee to consist of two delegates to be selected by each State



be appointed, to report as soon as possible a form and plan for a provisional government to be adopted by this Congress.

Mr. Barry moved to amend the amendment offered by Mr. Bartow; When,

On motion of Mr. Perkins, the Congress went into secret session; and after spending some time therein, adjourned until 12 o'clock to-morrow.

#### SECRET SESSION.

The Congress having gone into secret session,

Mr. Withers moved that the Journal of yesterday be corrected by striking out the prefix "honorable" wherever it occurs in connection with the name of any member of the Congress; and the same was unanimously agreed to.

The question pending being on Mr. Barry's amendment to Mr. Bartow's amendment to Mr. Memminger's resolutions,

Mr. T. R. R. Cobb offered an amendment to Mr. Bartow's amendment; which was read by unanimous consent, viz:

*And be it further resolved*, That the committee thus appointed be instructed in framing the provisional government to provide—

First. For a single executive head, with the powers of the President of the United States.

Second. For a vice-president.

Third. For the continuance of this Congress as the legislative branch of this provisional government, so long as may be necessary, not exceeding twelve months.

Mr. Kenner offered the following resolution; which was also read by unanimous consent, viz:

*Resolved*, That it be the sense of this Congress that the legislation necessary to a full and complete putting in action and carrying on the provisional government contemplated by the various State conventions sending delegates to this Congress belongs to and forms a part of the duties incumbent upon the members of this Congress.

The Chair announced the question to be on Mr. Cobb's amendment to Mr. Bartow's amendment to the resolutions offered by Mr. Memminger.

Mr. Boyce offered the following resolutions by way of substitute for the resolutions of Mr. Memminger; which were by unanimous consent read for information, viz:

*Resolved*, First. That the Constitution of the United States be adopted as the basis of the provisional government, with as few alterations as possible.

Second. That a president and vice-president be immediately elected.

Third. That a senate and house of representatives be immediately appointed by this body to execute the provisional government.

Mr. Hale offered a resolution as follows:

*Resolved*, That the Congress proceed as early as possible to organize a provisional government by the appointment of a president and vice-president, and organize the executive department of the government; and that this body exercise all necessary legislative power until such time as the regular legislative department of the government can be organized on the principles of the late United States;

which was by unanimous consent read for information.

Mr. Memminger moved to amend the amendment of Mr. Cobb by striking out the third proposition thereof, said proposition being in the words following:

For the continuance of this Congress as the legislative branch of this provisional government, so long as may be necessary, not exceeding twelve months;

which motion was entertained by unanimous consent.

Mr. Memminger moved to lay on the table all the amendments to his resolutions; and the vote having been taken, there were yeas 3, nays 3; so the motion was lost, the States voting as follows:

Yea: Florida, Mississippi, and South Carolina.

Nay: Alabama, Georgia, and Louisiana.

The question recurred on Mr. Memminger's motion to amend the amendment of Mr. Cobb by striking out the third proposition thereof; and the vote having been taken thereon, stood yeas 4, nays 2, the States voting as follows:

Yea: Alabama, Florida, Mississippi, and South Carolina.

Nay: Georgia and Louisiana.

So the amendment was adopted and the third proposition of Mr. Cobb's amendment was stricken out.

The question was now on Mr. Walker's amendment to Mr. Cobb's amendment; which motion was entertained by unanimous consent, and is in the words following:

until a provisional congress, consisting of a senate and house of representatives, elected in the manner prescribed by the Constitution of the United States, shall be assembled and organized in pursuance of such provisions for that purpose as shall be made by this Congress, which provisions shall be reported by the committee as part of the plan for a provisional government.

And the amendment was lost—Yeas 2, nays 4, the States voting as follows:

Yea: Alabama and South Carolina.

Nay: Florida, Georgia, Louisiana, and Mississippi.

Mr. Cobb then withdrew his amendment.

Mr. Barry withdrew his amendment.

The question recurred on the amendment of Mr. Bartow, and the same was lost—Yeas 2, nays 4, the States voting as follows, to wit:

Yea: Georgia and Louisiana.

Nay: Alabama, Florida, Mississippi, and South Carolina.

The question was now on the resolutions of Mr. Memminger; and the same having received three several readings, were adopted—Yeas 5, nay 1, the States voting as follows:

Yea: Alabama, Florida, Louisiana, Mississippi, and South Carolina.

Nay: Georgia.

Mr. Barry offered the following resolutions; which were referred to the committee raised under Mr. Memminger's resolutions:

(1) *Resolved*, That this convention will proceed to the establishment of a provisional government.

(2) *Resolved*, That for such provisional government the Constitution of the United States of America shall be adopted, with those alterations of form and detail which may be necessary to adapt it to the necessities of our situation.

(3) *Resolved*, That for such provisional government a president and vice-president shall be elected by this convention to hold their offices under such appointment until an election shall be made by the States of the Confederacy, to be formed on the call of this convention, and until their successors are inaugurated.

(4) *Resolved*, That in said constitution, or by ordinance to be adopted by this body, the calling of a convention to revise and remodel said constitution shall be provided for; the time of its assemblage to be fixed with reference to such condition of public affairs as shall be favorable to a tranquil consideration of the subject, and to allowing ample time for the final action of those States which have not united with the seceding States, and which have or may contemplate such course.

(5) *Resolved*, That on the adoption of such constitution temporarily, this convention will recommend the States here represented to send Senators and Representatives to the Congress provided for in such constitution as speedily as possible to be appointed by said States in any manner they may adopt, and until the meeting of the Congress this convention will take such legislative action as the public safety may require.

(6) *Resolved*, That such provisional government under the said constitution shall continue the government of the Confederacy formed under it until it is altered, amended, or superseded by the convention provided for in the fourth resolution, or other legitimate, popular action.

By unanimous consent, the resolutions of Mr. Memminger were so modified as to raise a committee of twelve instead of thirteen, each State appointing two members, and the selection of a chairman was in the same manner devolved on the committee.

Mr. Chilton offered the following resolutions:

(1) *Resolved*, That two stenographers be appointed by the President of this Congress to take down its proceedings and debates, and who, upon taking an oath not to disclose any matter directed by the body to be held in confidence, shall be admitted to such seats on the floor as the President may assign them, as well during the secret as the open sessions of this body.

(2) *Resolved*, That the printers who have been elected to this body, upon taking the oath prescribed in the first resolution for stenographers, be allowed to remain in the body during its secret sessions;

which, after having been read twice, were ordered, on motion of Mr. Stephens, to be placed on the Calendar.

Mr. Stephens offered the following resolution:

*Resolved*, That the Secretary keep two Journals of this body, one for the proceedings in open session and one for proceedings within closed doors. The Journal of the proceedings in open session only shall be read in public on the meeting of the daily sessions.

And the same, having received three several readings, was adopted.

On suggestion of the President, the several States appointed, under Mr. Memminger's resolutions, members of the committee of twelve, as follows:

From the State of Alabama—Mr. Walker and Mr. Smith.

From Florida—Mr. Anderson and Mr. Owens.

From Georgia—Mr. Stephens and Mr. Nisbet.

From Louisiana—Mr. Perkins and Mr. Kenner.

From Mississippi—Mr. Barry and Mr. Harris.

From South Carolina—Mr. Memminger and Mr. Barnwell.

On motion of Mr. Withers,

The Congress adjourned until 12 o'clock to-morrow.

## WEDNESDAY, FEBRUARY 6, 1861.

### OPEN SESSION.

The Congress met pursuant to adjournment.

Prayer was offered by Rev. Mr. Tichenor.

Mr. Jackson Morton appeared as a Delegate from the State of Florida, presented his credentials; which are as follows:

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA.

*To all to whom these presents may come, greeting:*

Whereas Jackson Morton hath been appointed by the governor and approved by the convention of said State, by virtue of an ordinance of said convention, to be a delegate to represent the State of Florida in a convention of States composed of such slaveholding States as have now, or shall have before the final adjournment of said convention, dissolved their connection with the late Federal Union:

Now, therefore, the said Jackson Morton is hereby duly commissioned to be such delegate, according to the ordinance aforesaid, to represent this State in the convention of slaveholding States (as have now, or shall have before the final adjournment of said convention, dissolved their connection with the late Federal Union), to be



holden at Montgomery, in the State of Alabama, on the 13th day of February next, or at such other time and place as may be agreed upon by the delegates appointed for the purpose of forming a provisional government for a southern confederacy, to continue until superseded by the organization of a permanent government; and after said provisional government shall have been organized said delegates shall proceed to form a permanent government for said confederacy.

In testimony whereof the governor of said State has signed this commission and caused to be affixed the great seal of the State at Tallahassee, this 21st day of January, A. D. 1861.

[SEAL.]

(Signed)

M. S. PERRY,  
*Governor of Florida.*

By the governor.

Attest:

F. L. VILLEPIGUE.

Mr. Morton then signed the roll.

Mr. Toombs presented to the President a communication in writing from the commissioners from the State of North Carolina to the Congress; which was reported, and is as follows:

MONTGOMERY, ALA., *February 6, 1861.*

To the Hon. HOWELL COBB,

*President of the Southern Congress:*

The undersigned have the honor to submit to the consideration of the Southern Congress the accompanying resolutions adopted by the general assembly of the State of North Carolina on the 29th ultimo.

We are, with high consideration, your obedient servants,

D. L. SWAIN,  
M. W. RANSOM,  
JOHN L. BRIDGERS.

The following were then reported to the Congress as the resolutions accompanying the foregoing communication:

(1) *Resolved*, That for the purpose of effecting an honorable and amicable adjustment of all the difficulties that distract the country, upon the basis of the Crittenden resolutions, as modified by the legislature of Virginia, and for the purpose of consulting for our common peace, honor, and safety—the Hons. Thomas Rufin of Alabama, D. M. Barringer, David S. Reid, John M. Morehead, and George Davis be, and they are hereby, appointed commissioners to represent North Carolina in the proposed consultation to be held at Washington City on the 4th February, 1861; and

Whereas the State of North Carolina has been invited by the State of Alabama to meet at the city of Montgomery on the 4th February, 1861, for the purpose of forming a provisional as well as permanent government; and

Whereas North Carolina as a part of the Federal Union has no right to send delegates for such a purpose: Therefore,

(2) *Be it resolved*, That for the purpose of effecting an honorable and amicable adjustment of all the difficulties that distract the country upon the basis of the Crittenden resolutions, as modified by the legislature of Virginia, and for the purpose of consulting for our common peace, honor, and safety, the Hons. David L. Swain, M. W. Ransom, and John L. Bridgers are appointed commissioners to visit Montgomery, Ala., for the purpose above indicated.

(3) *Resolved further*, That his excellency, the governor, be requested immediately to inform the commissioners of their appointment, and upon the refusal of any one of them to serve, report the same immediately to the general assembly.

Indorsed, read three times, and ratified in general assembly this 29th day of January, A. D. 1861.

(Signed)

WM. T. DORTCH,  
*Speaker House of Commons.*  
HENRY T. CLARK,  
*Speaker of Senate.*

STATE OF NORTH CAROLINA, OFFICE OF SECRETARY OF STATE.

I, Rufus H. Page, secretary of state, in and for the State of North Carolina, do hereby certify that the foregoing is a true copy of the original on file in this office.

Given under my hand this 31st day of January, 1861.

RUFUS H. PAGE,  
*Secretary of State.*

On motion of Mr. Toombs, a committee of three was appointed to invite the commissioners from the State of North Carolina to seats on the floor when the Congress is in open session.

The committee appointed by the President are Messrs. Toombs, Walker, and Barry.

On motion of Mr. Keitt, the President is authorized to appoint an engrossing clerk when necessary.

Leave was granted, on motion of Mr. Memminger, for the committee appointed to frame a provisional government to retire and consult during the session of the Congress.

On motion of Mr. Toombs,

The Congress adjourned until 11 o'clock to-morrow morning.

## THURSDAY, FEBRUARY 7, 1861.

### OPEN SESSION.

The Congress met pursuant to adjournment.

Prayer was offered up by the Rev. Mr. Petrie.

The Journal of yesterday's session was read and approved.

Mr. Withers moved that the Congress take a recess until 12 o'clock this day, in order to allow the Committee of Twelve, Mr. Memminger, chairman, time to perfect their report; which motion was agreed to.

The hour of 12 having arrived, the Congress reassembled,

When the President announced to Congress that he had received a communication, inclosing an act of the legislature of Alabama, from a committee of said legislature; which communication and act are as follows, to wit:

HOUSE OF REPRESENTATIVES,  
*Montgomery, February 6, 1861.*

SIR: The undersigned have been appointed a committee on the part of the house of representatives to communicate to the Congress of seceding States now in session, the inclosed copy of an act of the general assembly of this State, approved by the governor, placing at the disposal of Congress, or of the provisional government, of seceding States when formed, the sum of \$500,000.

We have also been directed by an order of the house to make known the fact that the privilege of seats within the bar of the house has been tendered to the members of Congress.

Asking the favor of you to communicate these proceedings of the general assembly to the body over which you preside,

We remain, with great respect, your obedient servants,

SAML. F. RICE,  
F. S. LYON,  
DAVID HUBBARD.

HON. HOWELL COBB,  
*President of Congress.*

SECTION 1. *Be it enacted by the senate and house of representatives in general assembly convened,* That sum of \$500,000 be, and the same is hereby, appropriated and placed at the disposal of the Southern Congress, now in session, or of the provisional government of the Confederacy of seceding States, which the said Congress may establish, by way of a loan to said provisional government or Confederacy, and that the governor be, and is hereby, empowered and required to pay out the said sum of \$500,000, in such amounts, and at such times as the said Congress or provisional government may direct, taking duly accredited receipts for the amounts so paid out: *Provided,* That it shall be left to the discretion of the governor to pay the said amounts in coin, or in any currency of the State of Alabama, or in bonds of the State, or in the treasury notes of this State, authorized to be issued under the authority of any law of this State.

Approved, February 6, 1861.



Mr. Hill moved that the communication be referred to a committee of three, with instructions to prepare an appropriate response for the Congress, to the general assembly of Alabama; which motion was agreed to; and the Chair appointed as the committee Messrs. Hill, Conrad, and Harris.

Mr. Conrad, one of the deputies from the State of Louisiana, appeared, presented his credentials, signed the roll, and took his seat in the Congress.

Mr. Withers introduced the following resolution:

*Resolved*, That the governor and the members of each house of the legislature of Alabama be invited to seats on the floor of Congress when in open session.

The resolution received the necessary readings and was adopted.

The Congress then went into secret session.

#### SECRET SESSION.

At 1 o'clock p. m. the Congress went into secret session.

The Journal of yesterday's proceedings was read and approved.

Mr. Toombs, by unanimous consent, introduced the following resolution; which received the necessary readings and was adopted, to wit:

*Resolved*, That the communication of the commissioners from the State of North Carolina to this Congress be referred to a committee of three, to be appointed by the President.

The President appointed as members of said committee Messrs. Toombs, Smith, and Keitt.

Mr. Toombs, by unanimous consent, introduced the following resolution:

*Resolved*, That the committee who were instructed to invite Hons. David L. Swain, M. W. Ransom, and John L. Bridgers to seats on this floor be instructed to invite them to attend any open or secret session of this body at any time it may suit their convenience, for the purpose of making any communication to this body which they may desire;

which resolution, having received the necessary readings, was adopted.

The call of the States was then proceeded with; and

Mr. Rhett of South Carolina introduced the following resolution:

*Resolved*, That a committee consisting of two from each State, to be nominated by the delegations from the States, shall be appointed to take into consideration and report to this Congress a constitution "for a permanent government" of the States represented in this Congress.

The said resolution, having received two readings, was ordered to be placed on the Calendar.

Mr. Memminger, from the Committee of Twelve to frame a provisional government, made the following report:

The committee appointed to prepare a constitution for the provisional government of the States which have seceded from the Federal Union, have duly considered the matter referred, and herewith report a constitution for that purpose.

C. G. MEMMINGER, *Chairman*.

FEBRUARY 7, 1861.

#### CONSTITUTION FOR THE PROVISIONAL GOVERNMENT OF THE CONFEDERATE STATES OF NORTH AMERICA.

In the name of Almighty God:

We the deputies of the sovereign and independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, do hereby, in behalf of these States, ordain and establish this constitution for the provisional government of the

same, to continue for one year from the inauguration of the President, or until a permanent constitution or confederation between the said States shall be put in operation, whichever shall first happen.

#### ARTICLE I.

*Section 1.*—All legislative powers herein granted shall be vested in this Congress now assembled, until otherwise ordained.

*Section 2.*—When vacancies happen in the representation from any State, the same shall be filled in such manner as the proper authorities of the State shall direct.

*Section 3.*—1. The Congress shall be the judge of the elections, returns, and qualifications of its members; any number of deputies from a majority of the States, being present, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members. Upon all questions before the Congress, each State shall be entitled to one vote, and shall be represented by any one or more of its deputies who may be present.

2. The Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. The Congress shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members on any question shall, at the desire of one-fifth of those present, or at the instance of any one State, be entered on the journal.

*Section 4.*—1. The members of Congress shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederacy. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going to or returning from the same; and for any speech or debate they shall not be questioned in any other place.

*Section 5.*—1. Every bill which shall have passed the Congress shall, before it become a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the Congress, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress shall agree to pass the bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

2. Every order, resolution, or vote shall be presented to the President, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a bill.

*Section 6.*—1. The Congress shall have power to lay and collect taxes, duties, imposts and excises for revenue necessary to pay the debts and carry on the government of the Confederacy; but no tax, duty, impost or excise shall be laid to foster or promote one branch of industry rather than another; nor shall any tax or duty be laid for revenue on importations from foreign nations, higher than fifteen per cent on their value at the place of their exportation, except in time of war; but the Congress may lay any duties on importations from any foreign nation, or on exports of domestic products, as it may deem expedient to induce friendly political relations with such nation; and all duties, imposts and excises shall be uniform throughout the States of the Confederacy;

2. To borrow money on the credit of the Confederacy;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederacy;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederacy;

7. To establish post-offices and post-roads;

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Confederacy, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederacy, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress; and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in this provisional government.

*Section 7.*—1. The importation of African negroes from any foreign country other than the slaveholding States of the United States, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

3. The privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion, the public safety may require it.

4. No bill of attainder or ex post facto law shall be passed.

5. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. Congress shall appropriate no money from the treasury unless it be asked for by the President or some one of the heads of department, except for the purpose of paying its own expenses and contingencies.

8. No title of nobility shall be granted by the Confederacy, and no person holding any office of profit or trust under it shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

9. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

10. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

11. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

12. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

13. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

14. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

15. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the Confederacy, than according to the rules of the common law.



16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

17. The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

18. The powers not delegated to the Confederacy by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

19. The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States of the Confederacy by citizens of another State, or by citizens or subjects of any foreign State.

*Section 8.*—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary\* for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the Confederacy, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

#### ARTICLE 11.

*Section 1.*—1. The executive power shall be vested in a President of the Confederate States of North America. He, together with the Vice-President, shall hold his office for one year, or until this provisional government shall be superseded by a permanent government, whichever shall first happen.

2. The President and Vice-President shall be elected, by ballot, by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite for election.

3. No person except a natural-born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident of one of the States of this Confederacy.

4. In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office (which inability shall be determined by a vote of two-thirds of the Congress), the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

5. The President shall at stated times receive for his services during the period of the provisional government a compensation at the rate of twenty-five thousand dollars per annum, and he shall not receive during that period any other emolument from this Confederacy or any of the States thereof.

6. Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of North America, and will, to the best of my ability, preserve, protect, and defend the constitution thereof.”

*Section 2.*—1. The President shall be commander in chief of the Army and Navy of the Confederacy, and of the militia of the several States, when called into the actual service of the Confederacy; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the Confederacy, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Congress, to make treaties, provided two-thirds of the Congress concur; and he shall nominate, and by and with the advice and consent of the Congress, shall appoint ambassadors, other public ministers and consuls, judges of the court, and all other officers of the Confederacy, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Congress, by granting commissions which shall expire at the end of their next session.

*Section 3.*—1. He shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene the Congress at such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the Confederacy.

2. The President, Vice-President and all civil officers of the Confederacy, shall be removed from office on conviction by the Congress of treason, bribery or other high crimes and misdemeanors; a vote of two-thirds shall be necessary for such conviction.

#### ARTICLE III.

*Section 1.*—1. The judicial power of the Confederacy shall be vested in one Supreme Court, and in such inferior courts as are herein directed or as the Congress may from time to time ordain and establish.

2. Each State shall constitute a district, in which the President shall, by and with the advice and consent of the Congress, appoint a judge who shall exercise the power and authority vested by the laws of the United States, as far as applicable, in both the district and circuit courts for that State, until otherwise provided by the Congress, and shall appoint the times and places at which the court shall be held. The jurisdiction of the district and circuit courts shall be merged in one, and appeals may be taken directly to the Supreme Court under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States. The commissions of all the judges shall expire with this provisional government.

3. The supreme court shall be constituted of all the district judges, and shall sit at such times and places as the Congress shall appoint.

4. The Congress shall have power to make laws for the transfer of any causes which were pending in the courts of the United States to the courts of the Confederacy; and for the execution of the orders, decrees and judgments heretofore rendered by the said courts of the United States, and also all laws which may be requisite to protect the parties to all such suits, orders, judgments or decrees.

*Section 2.*—1. The judicial power shall extend to all cases of law and equity, arising under this constitution, the laws of the United States, and of this Confederacy, and treaties made, or which shall be made, under its authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederacy shall be a party; controversies between two or more States; between citizens of different States; between citizens of the same State claiming lands under grants of different States.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

*Section 3.*—1. Treason against this Confederacy shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

#### ARTICLE IV.

*Section 1.*—1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

*Section 2.*—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. A slave in one State escaping to another shall be delivered up on claim of the party to whom said slave may belong, by the executive authority of the State in which such slave shall be found; and in case of any abduction or forcible rescue full compensation, including the value of the slave and all costs and expenses, shall be made to the party by the State in which such abduction or rescue shall take place.

*Section 3.*—1. The Confederacy shall guaranty to every State in this Union, a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

#### ARTICLE V.

1. The Congress by a vote of two-thirds may at any time alter or amend this constitution.

#### ARTICLE VI.

1. This constitution, and the laws of the Confederacy which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederacy, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

All sums of money expended by any State before the adoption of this constitution, in asserting and maintaining its separation from the late United States, are charged upon this Confederacy, and shall be paid from its treasury.

The Government hereby instituted shall take immediate steps for the settlement of all matters between the States forming it, and their other late confederates of the United States, in relation to the public property and public debt at the time of their withdrawal from them; these States hereby declaring it to be their wish and earnest desire to adjust everything pertaining to the common property, common liability, and common obligations of that Union upon the principles of right, justice, equity and national good faith.

Until otherwise provided by the Congress the city of Montgomery, in the State of Alabama, shall be the seat of government.

The members of the Congress and all executive and judicial officers of the Confederacy shall be bound by oath or affirmation to support this constitution; but no religious test shall be required as a qualification to any office or public trust under this Confederacy.

Other States with institutions similar to ours, acceding to the terms of this provisional government, are invited to join us, with a view to the speedy formation of a permanent government for the whole upon the basis of the constitution of the late United States.

Mr. Stephens moved to postpone the consideration of the report until the same can be printed, and to direct the printing thereof; which motion he subsequently withdrew.

Mr. Conrad renewed the motion of Mr. Stephens.

Mr. Hale moved to amend the motion of Mr. Conrad by striking out all after the word "until" and adding "half past 7 o'clock this evening."

The question was on Mr. Hale's amendment, and it was carried—Yeas 4, nays 2, the States voting as follows:

Yea: Alabama, Florida, Louisiana, and Mississippi.

Nay: Georgia and South Carolina.

The motion as amended was then adopted.

The President then instructed the Secretary to send the report forthwith to the printers of Congress; which was done.

The Calendar was then called, and there appeared thereon the resolution of Mr. Chilton (numbered 1); which by unanimous consent was withdrawn.

The President announced to the Congress that he had received a communication from the municipal authorities of the city of Atlanta in reference to the location of the seat of government; which was read for information and laid on the table for the present.



Mr. Walker moved that the Congress do now take a recess until 7.30 o'clock this evening; which was lost—Yeas 3, nays 3, the States voting as follows:

Yea: Alabama, Louisiana, and South Carolina.

Nay: Florida, Georgia, and Mississippi.

Mr. Hill moved that the Congress do now adjourn; which was carried.

And the Congress adjourned until 11 o'clock to-morrow.

## FRIDAY, FEBRUARY 8, 1861.

### OPEN SESSION.

The Congress met pursuant to adjournment.

Prayer was offered by Rev. Mr. Pellicer.

Mr. Alexander M. Clayton appeared as a Delegate from the State of Mississippi, signed the roll, and took his seat.

Messrs. Thomas Fearn and David P. Lewis appeared as Delegates from the State of Alabama, and, having signed the roll, took their seats.

Mr. Chilton made the following report:

The committee appointed to extend an invitation to the reverend clergy of this city to open the sessions of this Congress with prayer have performed that duty, and beg leave to report their acceptance of said invitation, as indicated by a communication on their behalf, from the Rev. Mr. Petrie to your committee, which accompanies this report.

The communication referred to was reported as follows:

MONTGOMERY, ALA., *February 6, 1861.*

Hons. W. P. CHILTON, J. L. M. CURRY, S. F. HALE,

*Committee of Southern Congress.*

GENTLEMEN: Your communication of this date to the clergy of our city, containing a request of the Congress to open its daily session with prayer, has been received by us, and it gives us pleasure to inform you that we will comply. We will make arrangements among ourselves for the regular performance of the service.

With high consideration of yourselves personally and with fervent desires to Almighty God for the body you represent, we are,

Your obedient servants,

GEO. H. W. PETRIE,

*In Behalf of the Clergy of Montgomery.*

The President laid before the Congress a communication; which was reported as follows:

To the Hon. HOWELL COBB,

*President of the Southern Congress.*

SIR: The libraries of the supreme court of the State of Alabama and of the State are under the charge of the judges of the supreme court.

By authority of the judges, I tender to the members of the body over which you preside the use of the libraries and free access to the library rooms.

Very respectfully, your obedient servant,

A. J. WALKER,

*Chief Justice Supreme Court.*

On motion of Mr. Miles, the President was requested to communicate the thanks of the Congress for the kind invitation extended to the body.

Mr. Hill, from the committee to whom was referred the communication from the general assembly of the State of Alabama, inclosing a copy of an act to appropriate \$500,000 to the cause of Southern inde-

pendence, reported that they had had the same under consideration, and beg leave to present the resolutions following, and recommend that they be adopted by the Congress:

(1) *Resolved*, That this Congress accept the liberal offer of the general assembly of the State of Alabama to place at the disposal of this body the sum of five hundred thousand dollars as a loan to the government of the Confederacy now being formed.

(2) *Resolved*, That this Congress place the highest appreciation upon this generous, patriotic, and considerate action of the State of Alabama, and realize in it the zealous devotion of the people of that State to the cause of "Southern independence."

The same, having passed to a third reading, were unanimously agreed to.

Mr. Hill reported the following resolution:

*Resolved*, That a copy of the resolutions of the Congress in relation to the loan of five hundred thousand dollars just agreed to be communicated to the Hons. Samuel F. Rice, F. S. Lyon, and David Hubbard, committee of the house of representatives of the general assembly of the State of Alabama, with a request that the same be laid before the general assembly of that State;

which, having passed to a third reading, was agreed to.

On motion of Mr. Barnwell, the Congress went into secret session; and after spending some time therein, adjourned until to-morrow morning, 11 o'clock.

#### SECRET SESSION.

The Journal of the secret session of yesterday was read and approved. Mr. Smith, chairman of a committee, offered the following report:

Whereas the people of the State of North Carolina and those of the States represented in this Congress have a common history, a common sympathy, a common honor, and a common danger; and

Whereas it is the opinion and earnest desire of this Congress that the State of North Carolina should be united in government with these States: Therefore, be it

*Resolved*, That this Congress receive with pleasure the commissioners from the State of North Carolina, and hope to pursue such a course of action as shall commend itself to and induce the State of North Carolina speedily to unite in our councils and in such government as shall be formed by these States;

which report was unanimously agreed to; and, on suggestion of Mr. Withers, a copy of the same was ordered to be furnished to the commissioners.

Mr. Withers offered the following resolution:

Whereas it is necessary that the records of this Congress be placed in a condition of safety and those pertaining to proceedings with closed doors in a condition of secrecy: Therefore,

*Resolved*, That the President be, and he is hereby, authorized and instructed to make proper provision for the purposes herein declared;

which, after the necessary readings, was agreed to.

The unfinished business of yesterday, viz, the report of the Committee of Twelve, was then taken up.

The title of the constitution proposed being read, Mr. Stephens moved that the word "North" be stricken out: which motion was agreed to.

Mr. Stephens moved to strike out the first line of the preamble, viz, the words, "In the name of Almighty God;" which motion was agreed to, the vote being taken by States, as follows:

Yea: Alabama, Florida, Georgia, Mississippi, and Louisiana.

Nay: South Carolina.

Mr. Chilton moved to place at the beginning of the preamble the words, "In the name of the Almighty, who is the God of the Bible, and the source of all rightful authority and rule."



Mr. Harrison moved as a substitute therefor the following: "Invoking the favor of Almighty God;" which was carried, the vote being taken by States:

Yea: Florida, Louisiana, Mississippi, and South Carolina.

Nay: Alabama.

The State of Georgia not voting, on account of a division.

Mr. Rhett moved to strike out the word "happen" in the last line of the preamble and insert the word "occur;" which was carried.

Mr. Cobb moved to amend by striking out the whole of the preamble and inserting in lieu thereof the following:

The sovereign and independent States of South Carolina, Georgia, Alabama, Florida, Mississippi, and Louisiana, having separated themselves from the compact of Union known as the United States of America, and being desirous of confederating for their common defense and mutual welfare; and being pressed by the exigencies of their present position to form a provisional government in anticipation of a more permanent union; and looking to the guidance and protection of Almighty God, do hereby, through their authorized delegates, confederate under the style of The Republic of Washington, and agree upon the following articles for the constitution of the provisional government, from the 22d day of February, 1861, or until a permanent constitution shall be put in operation, whichsoever shall first occur.

Mr. Smith moved to amend Mr. Cobb's proposition by striking out all after the words "provisional government" and inserting "to continue until a permanent government shall be put in operation, such provisional government not to exist beyond one year."

Mr. Cobb accepted the amendment of Mr. Smith.

The vote was then taken by States on Mr. Cobb's motion as amended; which was lost, the States voting as follows:

Yea: Alabama, Florida, and Louisiana.

Nay: Mississippi and South Carolina.

The State of Georgia being divided.

Mr. Brooke moved that the words beginning the preamble, viz, "Invoking the favor of Almighty God," be transposed so as to make the preamble read as follows:

We the deputies of the sovereign and independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, invoking the favor of Almighty God, do hereby, in behalf of these States, ordain and establish this constitution for the provisional government of the same, to continue for one year from the inauguration of the President, or until a permanent constitution or confederation between the said States shall be put in operation, whichsoever shall first occur;

which motion was agreed to.

Mr. Harris moved to amend the first article by striking out the first section and inserting in lieu thereof the following:

All legislative powers herein delegated shall be vested in a congress, which shall consist of a senate and house of representatives. The senate shall consist of two senators from each State. The house of representatives shall consist of as many members as are equal to the numbers elected by the States parties to this Confederacy at the last election; and such senators and representatives shall be chosen by the conventions of the several States.

Mr. Hale moved to amend Mr. Harris' motion with the following:

And until the senators and representatives are so elected and qualified, all legislative powers hereby delegated shall be exercised by this Congress.

The question then being taken by States on Mr. Harris' motion as amended, the same was lost.

Yea: Florida and Mississippi.

Nay: Alabama, Georgia, Louisiana, and South Carolina.

Mr. Walker moved to amend the first section of the first article by adding the following:

And the Congress may at any time, by a majority vote, provide for the election and assembling of a provisional congress consisting of a senate and house of representatives, in like manner as the Congress of the United States, in whom shall be vested all legislative powers herein granted; and in that event may, by a like vote, make such changes in this constitution as shall be necessary and proper to accomplish that object, and to make the same distribution between such senate and house of representatives of the powers hereby vested in this Congress as is done in the Constitution of the United States;

which was lost, the States voting as follows:

Yea: Alabama.

Nay: Florida, Georgia, Louisiana, Mississippi, and South Carolina.

Mr. Withers moved to strike from the first line of the first section of the first article the word "granted" and that the word "delegated" be inserted; which was agreed to.

Mr. Rhett moved to insert the word "expressly" between the words "herein" and "delegated" in the first section; which was lost.

Mr. Cobb moved that the word "State" where it last occurs in the first clause of the third section of the first article be substituted by the word "delegate" and that the words beginning "and shall be represented," etc., in the same clause, and all after them to the end of the sentence be stricken out; which amendment was lost.

The fourth section was then read; which was as follows:

*Section 4.*—1. The members of Congress shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederacy. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going or returning from the same; and for any speech or debate they shall not be questioned in any other place.

On motion of Mr. Memminger, the same was amended by inserting after the word "going" the words "to and."

Mr. Withers moved to amend the same by adding the following paragraph:

No member of this Congress shall be appointed under the authority of the Government hereby established to any civil office to be executed under the same, except only diplomatic agencies.

Mr. Smith moved to amend the amendment by striking out the words "except only diplomatic agencies."

On motion of Mr. Memminger, both of the amendments were laid on the table.

The fifth section was then taken up and the first paragraph read as follows:

*Section 5.*—1. Every bill which shall have passed the Congress shall, before it become a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the Congress, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress shall agree to pass the bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

On motion of Mr. Smith, the same was amended by adding thereto the following words:

The President may veto any appropriation or appropriations and approve any other appropriation or appropriations in the same bill.

The second paragraph of the same section was then taken up and read, as follows:

2. Every order, resolution, or vote shall be presented to the President, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a bill.

On motion of Mr. Hale, the same was amended by inserting after the word "vote" the words "intending to have the force and effect of a law."

The sixth section was then taken up and the first paragraph was read, as follows:

*Section 6.*—1. The Congress shall have power to lay and collect taxes, duties, imposts and excises for revenue necessary to pay the debts and carry on the government of the Confederacy; but no tax, duty, impost or excise shall be laid to foster or promote one branch of industry rather than another; nor shall any tax or duty be laid for revenue on importations from foreign nations, higher than fifteen per cent on their value at the place of their exportation, except in time of war; but the Congress may lay any duties on importations from any foreign nation, or on exports of domestic products, as it may deem expedient to induce friendly political relations with such nation; and all duties, imposts and excises shall be uniform throughout the States of the Confederacy.

On motion of Mr. Kenner, the same was amended by striking out all after the word "Confederacy" where it first occurs to the word "nation" where it last occurs, inclusive; the vote being by States, and resulting as follows:

Yea: Alabama, Florida, Georgia, Louisiana, and Mississippi.

South Carolina being divided.

The others being read seriatim, the seventeenth paragraph, which is as follows:

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in this provisional government,

was, on motion of Mr. Stephens, amended by striking out the word "vested" and inserting in lieu thereof the words "expressly delegated" and by striking out the word "in" and inserting in lieu thereof the word "to."

Mr. Stephens moved that when the Congress adjourns it adjourn until the hour of 10 o'clock a. m. to-morrow.

The motion prevailed.

Mr. Crawford moved to adjourn.

The motion was lost.

On motion of Mr. McRae, the said section was amended by adding the following paragraph:

And this Congress shall also exercise executive powers until the President is inaugurated.

On motion of Mr. Perkins, the Congress took a recess until 7.30 o'clock p. m.

7.30 O'CLOCK P. M.

The first paragraph of the seventh section was read, as follows:

The importation of African negroes from any foreign country other than the slaveholding States of the United States, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

Mr. Rhett moved to amend the same by striking out all after the



words "of African" and insert the words "negroes and slaves from Africa may be prohibited by Congress."

Mr. Chesnut moved to amend the section by substituting for the whole paragraph the following words:

Congress shall have power to prohibit the importation of African negroes and slaves from any foreign country.

Mr. Bartow called for the question; which, being seconded by a majority of the States present, the motion of Mr. Rhett was put and, the vote being taken by States, resulted as follows:

Yea: South Carolina.

Nay: Alabama, Florida, Georgia, Louisiana, and Mississippi.

So the motion was lost.

The vote then was on the motion of Mr. Chesnut; which was lost.

The seventh paragraph of the said section was read as follows:

Congress shall appropriate no money from the treasury unless it be asked for by the President or some one of the heads of department, except for the purpose of paying its own expenses and contingencies.

Mr. Smith moved to strike out the whole paragraph.

The motion was lost.

On motion of Mr. Withers, the same was then amended by adding after the word "asked" the words "and estimated."

The ninth paragraph having been read: which is as follows:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

On motion of Mr. Withers, the same was amended by inserting after the words "for a redress of" the word "such" and adding the following words: "as the delegated powers of this Government may warrant it to consider and redress."

The eighteenth paragraph having been read as follows:

The powers not delegated to the Confederacy by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

On motion of Mr. Withers, the same was amended by inserting after the word "not" the word "expressly."

The first paragraph of the eighth section having been read, as follows:

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

Mr. Cobb moved to amend the same by striking out the words "or confederation."

The motion was lost.

The first paragraph of the first section of the second article was then read, to wit:

The executive power shall be vested in a President of the Confederate States of North America. He, together with the Vice-President, shall hold his office for one year, or until this provisional government shall be superseded by a permanent government, whichever shall first happen.

On motion of Mr. Stephens, the same was amended by striking therefrom the word "North."

On motion of Mr. Shorter, the same was also amended by striking out the word "happen" and inserting in lieu thereof the word "occur."

The second paragraph of the same having been read, viz:

The President and Vice-President shall be elected, by ballot, by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite for election.

On motion of Mr. Withers, the same was amended by striking out the word "election" and inserting in lieu thereof the words "to elect."

The third clause of the same having been read, viz:

No person, except a natural-born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident of one of the States of this Confederacy.

Mr. Hill moved to amend the same by changing the first three lines of said clause so as to read as follows:

No person, except a natural-born citizen of one of the States of the United States, and a citizen of one of the States of this Confederacy at the time of the adoption of this constitution, shall be eligible to the office of President.

The motion was lost.

Mr. Curry moved to amend the same by striking out the words "and been fourteen years a resident of one of the States of this Confederacy;" which motion was lost.

The fifth paragraph having been read, to wit:

The President shall at stated times receive for his services during the period of the provisional government a compensation at the rate of twenty-five thousand dollars per annum, and he shall not receive during that period any other emolument from this Confederacy or any of the States thereof.

Mr. Withers moved to amend the same by adding thereto the words "or any other power."

The motion was lost.

The sixth paragraph having been read, as follows:

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of North America, and will, to the best of my ability, preserve, protect, and defend the constitution thereof."

On motion of Mr. Hill, the same was amended by striking therefrom the word "North."

The second clause of the first section of the third article was read, as follows:

Each State shall constitute a district, in which the President shall, by and with the advice and consent of the Congress, appoint a judge who shall exercise the power and authority vested by the laws of the United States, as far as applicable, in both the district and circuit courts for that State, until otherwise provided by the Congress, and shall appoint the times and places at which the court shall be held. The jurisdiction of the district and circuit courts shall be merged in one, and appeals may be taken directly to the Supreme Court under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States. The commissions of all the judges shall expire with this provisional government.

On motion of Mr. Walker, the same was stricken out and the following inserted in lieu thereof, to wit:

Each State shall constitute a district, in which there shall be a court called a district court, which, until otherwise provided by the Congress, shall have the jurisdiction vested by the laws of the United States, as far as applicable, in both the district and circuit courts of the United States for that State; the judge whereof shall be appointed by the President, by and with the advice and consent of the Congress, and shall, until otherwise provided by the Congress, exercise the power and author-

ity vested by the laws of the United States in the judges of the district and circuit courts of the United States for that State, and shall appoint the times and places at which the courts shall be held. Appeals may be taken directly from the district courts to the Supreme Court, under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States, or under such other regulations as may be provided by the Congress. The commissions of all the judges shall expire with this provisional government.

The fourth paragraph of said section having been read, as follows:

The Congress shall have power to make laws for the transfer of any causes which were pending in the courts of the United States to the courts of the Confederacy; and for the execution of the orders, decrees and judgments heretofore rendered by the said courts of the United States, and also all laws which may be requisite to protect the parties to all such suits, orders, judgments or decrees.

On motion of Mr. Hale, the same was amended by adding thereto the words "their heirs, personal representatives, or assignees."

The first clause of the second section being then read, as follows:

The judicial power shall extend to all cases of law and equity, arising under this constitution, the laws of the United States, and of this Confederacy, and treaties made, or which shall be made, under its authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederacy shall be a party; controversies between two or more States; between citizens of different States; between citizens of the same State claiming lands under grants of different States.

On motion of Mr. Smith, the same was amended by striking out the word "and," after the words "United States," and inserting in lieu thereof the words "as far as applicable, and the laws."

Article fourth, the first section, being in the following words:

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Mr. Withers moved to strike out the last word of the same, viz, "thereof," and insert in lieu of the same the words "of such proof;" which was agreed to.

Mr. Harris moved to amend the same section by adding the following:

The laws of the United States in force at the adoption of this constitution, so far as applicable, shall continue in force as the laws of this Confederacy until altered or repealed by the Congress;

which was lost.

Mr. Harris moved to strike out of the sixth article the following words:

All sums of money expended by any State before the adoption of this constitution, in asserting and maintaining its separation from the late United States, are charged upon this Confederacy, and shall be paid from its treasury;

which was agreed to.

Mr. Clayton moved that the following be a distinct section of the sixth article, viz:

All rights acquired or vested under the Constitution of the United States, or any act of Congress, or any treaty passed or made in pursuance thereof, shall have the same force and effect as if the late Union had not been dissolved;

which was lost.

Mr. Miles moved to strike out the word "national" where it occurs in the sixth article; which was carried.

Mr. Harris moved to strike out the last paragraph of the sixth article; which was agreed to.



Mr. Memminger offered the following amendment to be inserted as the third paragraph of section 5 of article 1:

Until the inauguration of the President, all bills, orders, resolutions, and votes adopted by the Congress shall be of full force without any approval by him;

which was agreed to.

Mr. Chesnut moved to strike out the last section of article 6, and to substitute as follows: "Congress shall have power to admit other States;" which was agreed to; and on motion of Mr. De Clouet, the said substituted section was transposed so as to form paragraph 18 of section 6, article 1.

The Constitution, as amended, was then ordered to be engrossed for a third reading and, having been read a third time, was unanimously adopted.

Mr. Walker moved that the injunction of secrecy, so far as the Constitution as adopted was concerned, be removed; which was agreed to.

Mr. Memminger moved that the oath prescribed by the Constitution be administered to the members of this Congress to-morrow in open session; which was also agreed to.

Mr. Boyce moved that this Congress proceed to the election of a President for the Provisional Government at the hour of 12 o'clock to-morrow.

Mr. Miles moved that the Congress proceed to the election of a President immediately; which was lost.

The question recurring on Mr. Boyce's motion, the same was agreed to, and it was further agreed that the election of President be conducted in secret session.

Mr. Walker moved that the Constitution be enrolled on parchment; which motion prevailed.

Mr. Curry moved that the election for a President and Vice-President be conducted in open session; which was lost.

On motion of Mr. Miles, 1,000 copies of the Constitution were ordered to be printed for the use of the Congress.

On motion of Mr. Rhett,

The Congress adjourned until 11 o'clock to-morrow.

## SATURDAY, FEBRUARY 9, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment.

An appropriate prayer was offered up by the Rev. Dr. Basil Manly.

The Chair announced that the first business in order was the administration of the oath to the deputies to support the Constitution of the Provisional Government.

Whereupon, Judge Richard W. Walker, of the supreme court of the State of Alabama, administered the oath to the President and the President administered the oath to the members of the Congress.

The oath thus taken was as follows:

You do solemnly swear that you will support the Constitution for the Provisional Government of the Confederate States of America, so help you God.

At the suggestion of Mr. Memminger, while the oath was being administered all the members stood upon their feet.

On the call of the different States, Mr. Memminger presented to the Congress from the ladies of South Carolina a model for the flag of

the Confederate States of America; also another model from a gentleman of the city of Charleston, and accompanied the presentation of the same with appropriate and explanatory remarks:

Mr. Miles moved the following:

That a committee, consisting of one from each State, be appointed to take into consideration the adoption of a flag for the Confederate States of America;

which was agreed to, and the following committee appointed: From Alabama, Mr. Shorter; from Florida, Mr. Morton; from Georgia, Mr. Bartow; from Louisiana, Mr. Sparrow; from Mississippi, Mr. Harrison; and from South Carolina, Mr. Miles.

Mr. Stephens offered the following resolution:

*Resolved*, That the President proceed to appoint the following standing committees, to consist of five members each:

- A committee on foreign affairs;
- A committee on finance;
- A committee on military and naval affairs;
- A committee on the judiciary;
- A committee on postal affairs;
- A committee on commercial affairs;
- A committee on accounts;
- A committee on engrossment;
- A committee on patents; and
- A committee on printing;

which resolution was adopted.

The Congress then proceeded to the election of a President and a Vice-President for the Provisional Government.

Mr. Curry moved that two tellers be appointed to conduct said election; which was agreed to.

Whereupon, the President appointed Mr. Curry and Mr. Miles as tellers.

The vote being taken by States for President, the Hon. Jefferson Davis, of Mississippi, received all the votes cast, being 6, and was duly declared unanimously elected President of the Provisional Government.

On motion of Mr. Toombs, a committee of three was appointed to inform Mr. Davis of his election.

Whereupon, the President appointed Mr. Toombs, Mr. Rhett, and Mr. Morton.

The vote was then taken by States for Vice-President, and the Hon. Alexander Hamilton Stephens, of Georgia, received all the votes cast, being 6, and he was duly declared unanimously elected Vice-President of the Provisional Government.

Mr. Perkins moved that a committee of three be appointed to inform Mr. Stephens of his election; which was agreed to, and the President appointed Mr. Perkins, Mr. Harris, and Mr. Shorter.

Congress then adjourned till Monday next at 11 o'clock.

#### SECRET SESSION.

Congress having gone into secret session,  
Mr. Rhett moved the following:

*Resolved*, That the injunction of secrecy upon the proceedings for framing the Constitution for the Provisional Government is removed, so far as to permit the Delegates of any State to explain to their own conventions in secret sessions the reasons for their action;



which was read the first and second times, engrossed, and read a third time, and agreed to.

On motion of Mr. Toombs, it was agreed to go into the election of a President and Vice-President for the Provisional Government.

Mr. Barry moved that the election be conducted with open doors and that no nominations for either President or Vice-President be made; which was agreed to.

On motion of Mr. Bartow, it was ordered that only the galleries be open to the public, except as to those who are privileged to the floor in open sessions; which was agreed to.

After the election of a President and Vice-President, and the Congress having again gone into secret session,

The resolution of Mr. Rhett, which was number 2 on the Calendar, was then taken up, it being in the words following:

*Resolved*, That a committee consisting of two from each State to be nominated by the Delegates from the States, shall be appointed to take into consideration and report to this convention a constitution for a permanent government of the States represented in this convention;

which, after receiving three several readings, was adopted.

Mr. Memminger offered the following resolution:

*Resolved*, That the committee on finance be instructed to report as soon as possible a tariff for raising revenue for the support of the Government;

which was agreed to.

Mr. Harris introduced the following bill:

A bill to be entitled "An act to continue in force certain laws of the United States of America,"<sup>a</sup>

*Be it enacted by the Congress of the Confederate States of America*, That [all] the laws of the United States of America in force and in use [in these Confederate States] on the first day of November [last], and not inconsistent with the Constitution, be, and the same are hereby, continued in force until repealed or altered by the Congress;

which, after having been read a second time, was ordered to be engrossed for a third reading; and

On the passage of the bill, the vote being taken by States, there were five yeas and one nay, the States voting as follows:

Yea: Alabama, Florida, Georgia, Louisiana, and Mississippi.

Nay: South Carolina.

Mr. Cobb offered the following resolutions.

(1) *Resolved*, That a committee of three be appointed from the members of this Congress, representing the State of Alabama, who shall inquire and report to this body upon what terms suitable buildings in the city of Montgomery can be procured for the use of the several executive departments of this Confederacy, under the Provisional Government.

(2) *Resolved*, That the same committee be charged with the duty of estimating and reporting to Congress the necessary expenses for fitting and furnishing such apartments for the official business of such departments;

which were, after the necessary readings, agreed to, and Mr. Shorter, Mr. Chilton, and Mr. McRae were appointed as the committee.

Mr. Fearn offered the following resolution:

*Resolved*, That a committee consisting of two members from each State be appointed to draft an address making known to the world the motives which have constrained the people of the Confederate States of America to adopt the course they have taken and to declare the motives and objects had in view in the establishment of this Confederacy;

which was lost.

<sup>a</sup>The words in brackets appear in the original draft of the bill on file in the War Department.

The committee raised by Mr. Rhett's resolution, viz, on a constitution for a permanent government was then announced: Alabama, Mr. Walker and Mr. Smith; Florida, Mr. Morton and Mr. Owens; Georgia, Mr. Toombs and Mr. T. R. R. Cobb; Louisiana, Mr. De Clouet and Mr. Sparrow; Mississippi, Mr. Clayton and Mr. Harris; and South Carolina, Mr. Rhett and Mr. Chesnut.

Mr. Miles offered the following resolution:

*Resolved*, That the committee raised to report a plan for a flag for the Confederate States of America be also instructed to report a device for a great seal of State and also arms and a motto for the Confederacy;

which, after being read the necessary times, was agreed to, and the injunction of secrecy thereon was ordered to be removed.

On motion of Mr. Harris, the injunction of secrecy was removed from the bill which he introduced and was passed.

On motion of Mr. Rhett, the injunction of secrecy was removed from the resolution offered by Mr. Memminger and adopted.

Mr. Cobb moved that the injunction of secrecy be also removed from the resolutions he introduced; which was agreed to.

Then,

On motion of Mr. Chesnut,

The Congress adjourned until next Monday.

MONDAY, FEBRUARY 11, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer by the Rev. A. J. Battle.

The Journal of Saturday was read and approved.

Mr. Perkins, from the committee appointed to wait on the Hon. Alexander H. Stephens and notify him of his election as Vice-President of the Confederate States of America under the Constitution of the Provisional Government, reported that the committee had discharged that duty, and that the Vice-President would respond personally in the Congress this day at 1 o'clock, if it suit the convenience of Congress; which report was concurred in, and the hour of 1 o'clock p. m. appointed for hearing the response of the Hon. Alexander H. Stephens, Vice-President-elect.

Mr. Conrad offered the following resolution:

*Resolved*, That a committee composed of five members be appointed by the Chair, whose duty it shall be to prepare and report a bill providing for the establishment of the executive department of the Confederacy.

The resolution was read three times and adopted.

On motion of Mr. Stephens, the Congress reconsidered the vote by which the resolution for the appointment of standing committees was adopted on Saturday.

Mr. Stephens moved to amend said resolution by striking out the words "a committee on military and naval affairs" and by adding thereto—

a committee on military affairs, a committee on naval affairs, a committee on Territories, a committee on public lands, and a committee on Indian affairs.

The amendment was adopted, and the resolution as amended was adopted.

The Chair laid before the Congress a communication from ——— relative to a flag for the Confederate States of America; which was referred to the Select Committee on the Flag.

The hour of 1 o'clock having arrived, the Chair announced the order for the hour to be the reception of the response of Mr. Stephens to the communication of the committee informing him of his election to the office of Vice-President of the Provisional Government.

Mr. Stephens then said:

*Mr. President:* I have been notified by a committee of this body of my election to the office of Vice-President under the Provisional Government established for the Confederate States of America; the notification is in a letter, which I beg leave to read:

MONTGOMERY, ALA., *February 9, 1861.*

SIR: The Congress of the Provisional Government for the Confederate States of America have this day unanimously elected you to the office of Vice-President of the Confederate States, and we have been appointed to communicate the fact, and to respectfully invite your acceptance.

In performing this pleasing duty, allow us to express the hope that you will accept; and we beg to suggest that it would be most agreeable to the body we represent, as you are a member of the Congress, that you should signify to it, in person, your consent to serve the country in the high position to which you have been called.

We have the honor to be, very respectfully, yours,

JOHN PERKINS, JR.,  
W. P. HARRIS,  
JNO. GILL SHORTER.

TO HON. ALEXANDER H. STEPHENS.

From this it appears to be the general desire that I should in person make known to the body in a verbal response my acceptance of the high position to which I have been called.

This I now do. In this august presence, before you, Mr. President, before this Congress and before this large concourse of people under the bright sun and brilliant skies which now smile so auspiciously upon us, I will take this occasion also to return my most profound acknowledgments for this expression of confidence on the part of Congress.

There are special reasons why I place an unusually high estimate on it. The considerations that induced me to accept it I need not state. Suffice it to say that it may be deemed questionable whether any good citizen can refuse to discharge any duty that may be assigned him by his country in an hour of need.

It might be expected that I should at this time indulge in some remarks upon the state of our public affairs, the dangers that threaten us, and the most advisable measures to be adopted to meet pressing exigencies. Allow me to say, that in the absence of the distinguished gentleman who has been called to the chief executive chair I think it best to forbear to say anything on such matters. We expect him here in a few days—by Wednesday of this week at farthest—unless providentially detained longer. When he comes we will hear from him on all these difficult questions, and I doubt not we shall cordially and harmoniously concur in the line of policy his superior wisdom and statesmanship shall indicate. In the meantime there are matters we may very profitably be directing our attention to. Such as providing necessary postal arrangements, making provision for the transfer of the custom-houses from the jurisdiction of the separate States to the Confederacy, and the imposition of such duties as will be necessary to meet present and expected exigencies. In the exercise of the power to assess duties we are limited to the objects of revenue. A small duty, not exceeding 10 per cent upon importations, it is believed will be sufficient.

And above all, in the interim between this and the arrival and inauguration of the President, we can be directing our attention to the constitution of a permanent government, stable and durable, which is one of the leading objects of our assembling. I am now ready to take the oath of office.

The President then administered to Mr. Stephens the oath prescribed by the Constitution.

On motion of Mr. Barnwell, the communication of the committee, together with Mr. Stephens' response, were ordered to be entered upon the Journal.

Mr. Rhett moved that 12 o'clock instead of 11 be the hour of the meeting of Congress to-morrow; which was agreed to.

And,

On motion of Mr. Perkins,

Congress then accordingly adjourned until 12 o'clock to-morrow.

#### SECRET SESSION.

The Congress having gone into secret session, the Journals of the secret sessions of Friday and Saturday were read and corrected.

Mr. Toombs moved that the injunction of secrecy be removed as to the fact of the appointment of a committee to prepare a permanent constitution, and also as to the names of the members of said committee; which motion prevailed.

Mr. Lewis offered the following as a clause to be inserted in the permanent constitution for the Confederate States of America, when the same shall be framed and adopted, viz:

In all additional cases involving a constitutional question the Supreme Court shall consist, in addition to the district judges, of the chief justices of each State of the Confederacy, a majority of whom as well as a majority of the district judges, shall be necessary to a quorum;

which resolution, after being read the first and second times, was referred to the Committee on Permanent Constitution.

Congress then took a recess, to reassemble in open session at 1 o'clock p. m.

TUESDAY, FEBRUARY 12, 1861.

#### OPEN SESSION.

The Congress met at 12 m., pursuant to adjournment.

Prayer was offered up by Rev. J. M. Mitchell, of the Protestant Episcopal Church.

The Journal of yesterday was read and approved.

The Chair announced the following standing committees:

To Organize the Executive Departments—Messrs. Stephens, Conrad, Boyce, Shorter, and Brooke.

On Foreign Affairs—Messrs. Rhett, Nisbet, Perkins, Walker, and Keitt.

On Finance—Messrs. Toombs, Barnwell, Kenner, Barry, and McRae.

On Commercial Affairs—Messrs. Memminger, Crawford, De Clouet, Morton, and Curry.

On the Judiciary—Messrs. Clayton, Withers, Hale, Cobb, and Harris.

On Naval Affairs—Messrs. Conrad, Chesnut, Smith, Wright, and Owens.

On Military Affairs—Messrs. Bartow, Miles, Sparrow, Kenan, and Anderson.

On Postal Affairs—Messrs. Chilton, Boyce, Hill, Harrison, and Curry.

On Patents—Messrs. Brooke, Wilson, Lewis, Hill, and Kenner.

On Territories—Messrs. Chesnut, Marshall, Campbell, Nisbet, and Fearn.

On Public Lands—Messrs. Marshall, Harris, Fearn, Anderson, and Wright.



On Indian Affairs—Messrs. Morton, Hale, Lewis, Keitt, and Sparrow.

On Printing—Messrs. Cobb, Harrison, Miles, Chilton, and Perkins.

On Accounts—Messrs. Owens, De Clouet, Campbell, Smith, and Crawford.

On Engrossment—Messrs. Shorter, Wilson, Kenan, McRae, and Bartow.

On motion of Mr. Stephens, the Secretary was instructed to have 100 copies of the list of committees, as above announced, printed for the use of the Congress.

The Chair laid before the Congress the following telegraphic dispatch received on this forenoon:

NEW ORLEANS, *February 9, 1861.*

To Hon. HOWELL COBB,

*President Montgomery Convention.*

SIR: I am directed to communicate to you that during the session of the convention of the State of Louisiana this morning, upon the receipt of the dispatch informing us of the election of the Hon. Jefferson Davis as President and the Hon. A. H. Stephens as Vice-President of the Provisional Government of the Southern Republic, Mr. President Mouton immediately suspended the regular business of the convention then under consideration, and announced the agreeable intelligence to the convention; whereupon the following resolutions were offered and unanimously adopted:

*Resolved*, That this convention receives with the most cordial approval the intelligence, this day received by telegraph, of the election of Jefferson Davis, of Mississippi, as President and Alexander H. Stephens, of Georgia, as Vice-President of the Provisional Government of the Southern Republic.

*Resolved*, That the secretary of this convention be instructed to communicate the foregoing resolution to the president of the convention at Montgomery.

Very respectfully, your obedient servant,

J. THOMAS WHEAT,

*Secretary of Convention.*

*Ordered*, That said communication be spread upon the Journal, and lie upon the table.

The Chair then proceeded to call the States in their order for the presentation of bills, petitions, memorials, etc.

Mr. Thomas R. R. Cobb presented a design for a flag, seal, and coat of arms for the Confederate States of America, forwarded by Edwin V. Sharp, of Augusta, Ga.; which, on motion of Mr. Cobb, were referred to the Select Committee on the Flag.

Mr. Nisbet offered the following resolution; which was read the first and second times and referred to the Committee on Foreign Affairs, to wit:

*Resolved*, That the Committee on Foreign Affairs be requested to inquire into the propriety and necessity of sending, so soon as the President-elect shall be inaugurated, a commission to the Government of the United States of America.

Mr. Harris offered the following resolution:

*Resolved*, That until otherwise provided, the several officers connected with the collection of customs duties and imposts in the several States of this Confederacy be, and they are hereby, confirmed and continued in office, as officers of the Government of the Confederate States of America.

The same was read the first and second times and referred to the Committee on Commercial Affairs.

On motion of Mr. Thomas R. R. Cobb, the Congress then went into secret session with closed doors.

After some time spent in secret session, the Congress, at 3 p. m., adjourned until to-morrow at 12 m.

## SECRET SESSION.

On motion of Mr. Thomas R. R. Cobb, the Congress, being in open session, at 12.30 o'clock p. m. resolved to go into secret session: when the following action was had:

Mr. Walker offered the following resolution:

*Resolved*, That the Committee on Foreign Affairs be instructed to inquire into the propriety of sending a commission to the Governments of Great Britain and France and other European powers.

The resolution was read the second time.

Mr. Withers moved to lay the same on the table; which motion was lost.

The resolution was then read the third time and adopted.

Mr. Curry reported a bill to be entitled "An act to admit railroad iron free of duty;" which was read the second time and, on motion of Mr. Curry, referred to the Committee on Finance.

On motion of Mr. Chesnut, 100 copies of the list of the names of the members of the Congress and their respective post-offices were ordered to be printed for the use of the Congress.

Mr. Chilton offered the following resolutions:

*Resolved by the Confederate States of America in Provisional Congress assembled*, That commissioners be appointed by this Congress to the United States of America, to proceed forthwith to Washington City to represent this Government at the Government of the United States.

(2) *Resolved by the authority aforesaid*, That said commissioners be instructed to obtain a recognition by the United States of America of this Confederacy as an independent Government.

(3) *Resolved, etc.*, That said commissioners be instructed to enter into and consummate negotiations for the delivery to this Government of all forts, arsenals, and other public property within the limits of this Confederacy, and, if necessary, to make a formal demand on the part of this Government of the same.

(4) *Resolved, etc.*, That said commissioners be, and they are hereby, instructed to announce to the Government of the United States (if in the opinion of such commissioners any doubt shall exist on the part of such Government making such announcement proper) that the Confederate States of America having been organized as a separate and independent republic are determined to maintain said Government and that no proposition for a reconstruction of the Government of the United States by which the States of this Confederacy or any of them shall become reunited to the Government of the United States will be entertained by this Government.

(5) *Resolved, etc.*, That said commissioners be further instructed to present to the Government of the United States assurances of the sincere wish on the part of this Government to preserve the most friendly relations between the two Governments and the States comprising the same, and to settle, by peaceful negotiations, all matters connected with the public property and the indebtedness of the Government of the United States existing before the withdrawal of any of the States of this Confederacy; and to this end said commissioners are hereby fully empowered to negotiate with the Government of the United States in reference to said matters, and to adjust the same upon principles of justice, equality, and right.

(6) *Resolved, etc.*, That said commissioners shall be controlled by the foregoing resolutions until the President-elect for this Confederacy shall have been installed into office, at which time said commissioners shall be guided by instructions from the President officially announced to them.

The resolutions were read the second time and, on motion of Mr. Withers, referred to the Committee on Foreign Affairs.

Mr. Kenan offered the following resolution:

*Resolved*, That Fort Sumter and all other forts within the Confederate States of America, and all questions connected with them, are within the jurisdiction and protection of this Congress, which will take immediate action for their protection, and

that the respective governments<sup>a</sup> of the States represented in this Congress be immediately furnished with a copy of this resolution.

The same was read the second time.

Mr. Clayton moved to amend by striking out all after the word "resolved" and inserting in lieu thereof the following, to wit:

That the State of South Carolina be requested to abstain from any hostile attack upon Fort Sumter until the Provisional President of the Confederate States shall be inaugurated, unless an attempt should be made to reenforce the fort by the Government of the United States, in which event the authorities of South Carolina are hereby requested to take the necessary steps to prevent it and to attack the fort if necessary to secure that end.

Mr. Chesnut offered the following as an amendment to Mr. Clayton's amendment by substituting in lieu thereof, viz:

*Resolved*, That the power to declare and engage in war is expressly and exclusively delegated to this Congress, subject to the exceptions contained in the second clause of the eighth section of the first article of the Constitution.

(2) *Resolved*, That the foregoing resolution be telegraphed to the governors of each of the States of the Confederacy.

Mr. Bartow, by unanimous consent, offered the following resolution:

*Resolved*, That this Government takes under its charge the questions and difficulties now existing between the several States of this Confederacy and the Government of the United States relating to the occupation of the forts, arsenals, navy-yards, and other public establishments, and that the President of this Congress be directed to communicate this resolution to the governors of the States.

Mr. Chesnut withdrew his amendment.

Mr. Clayton then withdrew his amendment.

Mr. Kenan withdrew his resolution, accepting in lieu thereof that offered by Mr. Bartow.

The question being then on the resolution of Mr. Bartow, the same was read the third time and agreed to.

On motion of Mr. Conrad the injunction of secrecy was removed from the action of the Congress in agreeing to Mr. Bartow's resolution.

Mr. McRae offered the following resolution:

*Resolved*, That the principal Secretary be authorized to employ an additional assistant at his own expense;

which resolution, on motion of Mr. Crawford, was referred to the Committee on Accounts.

Congress then adjourned until 12 o'clock to-morrow.

WEDNESDAY, FEBRUARY 13, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered up by the Rev. Mr. J. C. Davis.

The Journal was read and approved.

Mr. Stephens presented a communication on the subject of a flag and seal for the Confederate States of America; also models for a flag and a seal of state; which were referred to the Select Committee on Flag.

<sup>a</sup>So recorded in the Journal, but the original draft, on file in the War Department, reads "governors."

Mr. Wright laid before Congress a communication from Mark A. Cooper relative to the establishment of an armory for the Southern Confederacy, and moved that the same be referred to the Committee on Finance; which was lost.

Mr. Curry moved to refer the communication to a select committee of five; which was lost.

On motion of Mr. Wright the communication was referred to the Committee on Military Affairs.

On the call of the States, Mr. Conrad offered the following resolution:

*Resolved*, That the Committee on Military Affairs and the Committee on Naval Affairs be instructed to include in any plan they may propose for the organization of the Army and Navy, suitable provision for such officers of the Army and Navy of the United States as may have tendered a resignation of their commissions in consequence of their adhesion to any or all of the States of this Confederacy;

which, after being read three times, was adopted.

Mr. Crawford laid before Congress a communication from Dr. Henry M. Jeter, the postmaster at Columbus, Ga., relative to postal matters; which, on motion of Mr. Crawford, was referred to the Committee on Postal Affairs.

Mr. Memminger offered the following resolution:

*Resolved*, That the Committee on Commercial Affairs be instructed to inquire and report upon the expediency of repealing the navigation laws of the Confederate States; and that they have leave to report by bill;

which was read three times and agreed to.

Mr. Brooke offered the following resolution:

*Resolved*, That the Committee on the Flag and Seal of the Confederacy be instructed to adopt and report a flag, as similar as possible to the flag of the United States, making only such changes as may be necessary to distinguish easily the one from the other, and to adopt the former in the arrangement of its stars and stripes to the number of States in this Confederacy.

After some discussion had thereon, Mr. Brooke withdrew the same for the present.

On motion of Mr. Rhett,

Congress went into secret session; and after some time spent therein, adjourned until 12 o'clock m. to-morrow.

#### SECRET SESSION.

Pursuant to the motion of Mr. Rhett, the Congress went into secret session; when the following proceedings were had:

The President stated to the Congress that, in accordance with the resolution agreed to yesterday, he had telegraphed the governors of the respective States of this Confederacy, that "this Government had taken charge of the questions and difficulties existing between the States of this Confederacy and the Government of the United States relating to the occupation of the forts, arsenals, navy-yards, and other public establishments," and that he had received a reply from the governor of South Carolina; which was reported to the Congress.

On motion of Mr. Cobb, the same was ordered to be entered on the Journal, and is as follows:

CHARLESTON, *February 13, 1861.*

HON. HOWELL COBB,

*President of the Congress:*

Your dispatch covering resolutions of Congress of Confederate States taking charge of questions and difficulties now existing between the several States of this



Confederacy and Government of the United States relating to the occupancy of forts, arsenals, navy-yards, and other public establishments is received.

Will communicate by letter, but we most respectfully urge that it is due to us under all the circumstances to get possession of Sumter at a period not beyond the fourth.

F. W. PICKENS.

Mr. Cobb offered the following resolution:

*Resolved*, That the Committee on Military Affairs be instructed to inquire and report what action may be necessary on the part of this Government, in relation to the occupation of Forts Sumter and Pickens by the Government of the United States.

The same was read the first, second, and third times, and on the question of agreeing thereto, the vote was taken by States, and is as follows:

In the affirmative: The States of Alabama, Florida, Georgia, and Mississippi.

In the negative: The States of Louisiana and South Carolina.

So the resolution was agreed to.

On motion of Mr. Withers, the President of the Congress was instructed to lay before the President, as soon as he is inaugurated, the communication this day received by him from the governor of South Carolina.

Mr. Rhett made the following report:

The Committee on Foreign Affairs, to whom was referred the resolution recommending that a commission be sent to foreign nations, respectfully report that they have had the same under consideration and respectfully report the following resolution for the adoption of Congress:

*Resolved*, That a commission consisting of three persons be appointed forthwith by the Congress in secret session to proceed without delay to Great Britain, France, and other European powers, and to act under such instructions as may be given from time to time by the Congress, or, after his inauguration, by the President.

The resolution was taken up and read the first and second times;

When,

Mr. Perkins moved to amend the same by striking out the words "forthwith by the Congress in secret session" and inserting in lieu thereof the following words, to wit: "as soon as practicable after his arrival by the President," and also by striking out the words "by the Congress, or, after his inauguration, by the President," and inserting in lieu thereof the words "by him;" which motion prevailed.

Mr. Withers moved to amend by striking out all after the word "resolved" and inserting in lieu thereof the following, to wit:

That it is the sense of Congress that representatives of this Confederacy should proceed, as soon as possible after the inauguration of the President, to the Courts of England and France and other European powers, to represent the interests thereof.

Mr. Boyce moved to amend the amendment by adding after the words "should proceed" the words "in secret mission."

On motion of Mr. Memminger, the amendment and the amendment to the amendment were laid on the table.

Mr. Withers moved to lay the resolution reported by the committee as amended on the table.

The motion was lost.

The resolution was read the third time and agreed to.

Mr. Bartow offered the following resolution:

*Resolved*, That the Committee on Military Affairs be instructed to report a bill for the organization of an army, and also to inquire what military establishments have been made by the several States of this Confederacy, and what officers of the Army

of the United States have been received into their service, and what rank has been conferred on them, and what rank they held at the date of their resignations;

which resolution was read three several times and agreed to.

Mr. Stephens offered the following resolution:

*Resolved*, That each of the standing committees of this body be authorized and instructed to take into consideration and report upon all such matters as legitimately belong to the objects for which they were appointed;

which was adopted.

Mr. Owens, chairman of the Committee on Accounts, made the following report:

The Committee on Accounts, to whom was referred the application of the Secretary of Congress asking the aid of an additional clerk to assist in the duties of his office, beg leave to report the following resolution:

*Resolved*, That the Secretary be allowed to employ temporarily, on the terms proposed, the services of some competent person to aid him in the discharge of the duties of his office;

which resolution was read and adopted.

Whereupon Alex. B. Clitherall, of Pickens County, Ala., was appointed under said resolution and entered upon the discharge of the duties of his office.

Mr. Shorter made the following report:

The committee who were directed to inquire and report upon what terms suitable buildings in the city of Montgomery can be secured for the several executive departments of this Confederacy under the Provisional Government have instructed me to report—

That the citizens of Montgomery, through a committee appointed by them, have tendered the use and occupation of twenty convenient rooms in a large and commodious building in the city free of charge, which accommodations they supposed to be sufficient for the present purposes of the Government; but your committee did not feel authorized to accept the proposition so liberally tendered, and, proceeding with their instructions, after a careful examination of the city, ascertained that a large and commodious fireproof building on Commerce street, a portion of which is now occupied by the Montgomery Insurance Company, can be procured for the use of the Government.

This building also contains two secure and fireproof vaults and is well located for ample supplies of water in case of fire.

The whole establishment, with its appurtenances, can be obtained at a rent of \$6,000 for twelve months from this date.

The committee were further directed to make and report to the Congress an estimate of the necessary expenses for fitting and furnishing such apartments as may be selected for the use of the Government; but the committee respectfully suggest that they will be unable to present any satisfactory estimate or report upon these matters until the executive departments shall have been organized, and therefore ask further time to submit their report upon this branch of their instructions.

Your committee recommend the adoption of the following resolution:

*Resolved*, That a committee of three be appointed by the Chair to contract with the owners and proprietors of the building referred to in the foregoing report for the rent of the same for twelve months from this date upon the terms specified in said report.

JNO. GILL SHORTER, *Chairman*.

which resolution was taken up and, after being read three times, was agreed to.

The President appointed the same committee which reported the resolution, to wit: Mr. Shorter, Mr. Chilton, and Mr. McRae.

On motion of Mr. Brooke,

Congress adjourned till 12 o'clock to-morrow.

THURSDAY, FEBRUARY 14, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered up by the Rev. Mr. I. T. Tichenor.

The Journal of yesterday was read and approved.

Mr. Boyce presented to Congress two models for a flag, and laid before Congress a communication from Mrs. C. Ladd in relation to a flag; which were referred to the Select Committee on Flag and Seal.

Mr. Stephens presented to Congress a flag; which was referred to the Select Committee on Flag and Seal.

Mr. Walker presented two models for a flag; which were also referred to the appropriate committee.

On the call of the States, Mr. Clayton offered the following resolution:

*Resolved*, That the Judiciary Committee be authorized to have such matter printed as they may desire to lay before Congress;

which, having been read three several times, was adopted.

Mr. Nisbet laid before Congress a communication from Elam Alexander on patents; which, on motion of Mr. Nisbet, was referred to the Committee on Patents.

Mr. Toombs presented to Congress a model for a flag, accompanied with a communication from Joseph M. Shellman; which were referred to the Select Committee on Flag and Seal.

On motion of Mr. Memminger,

Congress then went into secret session.

## SECRET SESSION.

Congress having gone into secret session,

The Journal of yesterday was read and approved.

Mr. Shorter, chairman of the Committee on Engrossment, made the following report:

CONGRESS, *February 14, 1861.*

The Committee on Engrossment has examined and found correctly engrossed and enrolled

A resolution to appoint Messrs. Shorter & Reid printers to the Congress;

A resolution in relation to the occupation of the forts, arsenals, etc.;

An act to continue in force certain laws of the United States of America; and

A resolution for the appointment of commissioners to the European powers.

SHORTER, *Chairman.*

Mr. Conrad offered the following resolution:

*Resolved*, That the Committee on Naval Affairs be authorized to procure the attendance at the seat of Government of all such persons versed in naval affairs as they may deem advisable to consult in the preparation of their report;

which, after being read three times, was agreed to.

Mr. Cobb offered the following resolution:

*Resolved*, That the Secretary of Congress be allowed to have engrossed and arranged in proper form for publication the Provisional Constitution for the Government of the Confederate States of America, with the autograph signatures of the members of Congress, and the flag and seal of the Confederacy whenever adopted;

which was agreed to.

Mr. Rhett, chairman of the Committee on Foreign Affairs, made the following report:

The Committee on Foreign Affairs, to whom was referred the resolution of the Delegate from Georgia, Mr. Nisbet, and the resolutions of the Delegate from Alabama, Mr. Chilton, touching the matter of sending commissioners to the Government of the United States of America, have had the same under consideration and beg leave to report the following resolution:

*Resolved*, That it is the sense of this Congress that a commission of three persons be appointed by the President-elect, as early as may be convenient after his inauguration, and sent to the Government of the United States of America for the purpose of negotiating friendly relations between that Government and the Confederate States of America, and for the settlement of all questions of disagreement between the two Governments upon just and honorable principles.

R. B. RHETT, *Chairman*.

which, on motion of Mr. Miles, was ordered to lie over till to-morrow and be placed upon the Calendar.

Mr. Toombs offered the following resolution:

*Resolved*, That the President of Congress be authorized to employ a suitable agent at Washington to furnish any documents or information which may be useful to this body;

which was read three times and adopted; and thereupon Mr. President appointed as such agent Philip Clayton, esq., of Washington City.

Mr. Memminger, of the Committee on Commercial Affairs, to which was referred the resolution of Mr. Harris confirming and continuing in office the officers connected with the customs, made the following report:

The Committee on Commercial Affairs, to which was referred a resolution confirming and continuing in office the officers connected with the customs, respectfully report:

That they have duly considered the same, and recommend that the resolution be adopted with a modification which the committee report by way of amendment.

The committee think the new organization of a government affords a proper occasion to reduce the expense of collecting the revenue, and in order to reach this result with as much consideration for the officers as possible, the committee think it best to refer it to the head of the treasury department to make a reduction in the expense of each custom-house of at least 25 per cent within the next six weeks, and to continue all the officers during that period.

The plan of the secretary can then take effect and appointments can be made under its provisions.

Many of the officers are required by law to give bond and to take an oath to support the Constitution. Neither the former bonds nor oaths would avail anything under the new appointment, and it becomes necessary, therefore, to enact a law on the subject.

The committee respectfully recommend that the resolution referred to them be amended so as to read as follows:

*“Resolved*, That until otherwise provided, the several officers connected with the collection of customs duties and imposts in the several States of this Confederacy be, and they are hereby, confirmed and continued as officers of the Government of the Confederate States of America, with their present salaries and emoluments until the first day of April next; and that the secretary of the treasury be instructed to report to Congress a plan to go into effect at the said date, whereby the expenses of collecting the revenue at each custom-house shall be diminished at least twenty-five per cent.”

The resolution was then taken up, to wit:

*Resolved*, That until otherwise provided, the several officers connected with the collection of customs duties and imposts in the several States of this Confederacy be, and they are hereby, confirmed and continued as officers of the Government of the Confederate States of America.

Mr. Memminger moved the adoption of the amendment reported by the committee.



Mr. Kenner moved to amend the amendment by striking out in the last line the words "twenty-five" and inserting in lieu thereof the word "fifty."

The motion prevailed.

The question then recurred on the motion of Mr. Memminger, and the substitute as reported by the committee and amended was agreed to.

The resolution was then read the third time and adopted.

Mr. Memminger, from the Committee on Commercial Affairs, also reported

A bill to continue in office the officers connected with the collection of customs in the Confederate States of America.

The bill having been read the first and second times,

Mr. Smith moved to amend the same by adding the following words to the first section, to wit:

*Provided*, That the maximum of compensation which each collector shall receive from all sources shall not exceed the rate of five thousand dollars per annum.

Mr. Memminger moved to lay the amendment on the table; which motion was lost.

The amendment was then agreed to.

The bill as amended was read the third time and passed.

Mr. McRae presented a letter from Capt. R. Semmes, late of the United States Navy; and

Mr. Smith presented a communication from E. George; which were severally referred to the Committee on Naval Affairs.

Mr. Bartow, from the Committee on Military Affairs, to which was referred the resolution of Congress instructing said committee to inquire and report what action may be necessary on the part of this Government in relation to the occupation of Forts Sumter and Pickens, reported the following resolutions:

*Resolved by the Confederate States of America in Congress assembled*, That it is the sense of this Congress that an immediate demand should be made upon the Government of the United States for the delivery of Forts Sumter and Pickens.

(2) *Resolved by the authority aforesaid*, That if such demand be not forthwith complied with, the President be directed to take possession of them by force of arms, and he is hereby authorized to make all necessary military preparations for carrying these resolutions into effect.

On motion of Mr. Walker, it was ordered that the report and the resolutions lie over till to-morrow.

On motion of Mr. Withers,

Congress adjourned till 12 o'clock to-morrow.

FRIDAY, FEBRUARY 15, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. A. D. Pellicer.

The Journal of yesterday was read and approved.

Mr. Chilton offered the following resolution:

*Resolved*, That a committee of six, consisting of one Delegate from each of the States of this Confederacy, to be designated by the Delegates of said States respectively, be appointed to act in concert with the committees appointed by the public authorities of the State, and of this city, to make arrangements for the reception and inauguration of the President-elect of the Confederate States of America;

which was read three times and adopted; and in pursuance thereof, the following committee was appointed: From Alabama, Mr. Chilton; from Florida, Mr. Anderson; from Georgia, Mr. Kenan; from Louisiana, Mr. De Clouet; from Mississippi, Mr. Barry; and from South Carolina, Mr. Rhett.

Mr. Brooke asked for leave of absence for his colleague, Mr. Campbell; which was granted.

Mr. Stephens presented to Congress a design for a seal for the Confederacy, together with a communication from a citizen of Richmond County, Ga.; which, on motion of Mr. Stephens, were referred to the Select Committee on Flag and Seal.

The Chair laid before Congress a communication from Messrs. Sands & Edwards, of New York, relative to ships suitable for the naval purposes of the Confederate States of America; which was referred to the Committee on Naval Affairs.

Mr. Memminger offered the following resolution:

*Resolved*, That each of the standing committees of Congress is authorized to cause to be printed any matter which it may deem requisite for the use of the committee;

which was read three times and agreed to.

Mr. Shorter, from the Committee on Engrossment, made the following report:

The Committee on Engrossment and Enrollment has examined and found correctly enrolled

A resolution accepting the appropriation of \$500,000 made by the general assembly of the State of Alabama; also

A resolution to authorize the Judiciary Committee to have such matter printed as they may desire to lay before the Congress.

SHORTER, *Chairman*.

Mr. Fearn laid before Congress a communication from John B. Read relative to rifled cannon and projectiles; which, on motion of Mr. Fearn, was referred to the Committee on Military Affairs.

Mr. Fearn announced that Mr. Gregg, one of the Delegates from the State of Texas, had arrived.

The ordinance of secession of the State of Texas from the Union and the credentials of the Delegates from the State of Texas were read; and, on motion of Mr. Fearn, were referred to a select committee of three.

The Chair appointed as that committee: Mr. Fearn, Mr. Miles, and Mr. Marshall.

On motion of Mr. Toombs, Mr. Gregg was invited to a seat on the floor of Congress while in open session.

Mr. Smith presented to Congress from a gentleman of Mobile, a design for the flag of the Confederacy; which was referred to the Select Committee on Flag and Seal.

On motion of Mr. Keitt, the hour of 1 o'clock Monday, the 18th instant, was fixed for the inauguration of the President-elect.

On motion of Mr. Rhett,

Congress went into secret session; and after remaining some time therein, adjourned till to-morrow, 12 o'clock.

#### SECRET SESSION.

The Congress went into secret session on motion of Mr. Rhett.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to continue in office the officers connected with the collection of the customs in the Confederate States of America;

A resolution to continue in office the officers of the customs; and

A resolution to appoint an agent at Washington to furnish documents to the Congress.

On motion of Mr. Crawford, the injunction of secrecy was removed from the bill and resolution relating to the customs; and

On motion of Mr. Memminger, the Secretary was directed to have the same printed and forwarded to the several customs officers.

The Congress then resumed the consideration of the resolution reported by Mr. Rhett, from the Committee on Foreign Affairs.

Mr. Hill moved to amend the resolution by striking out the words "just and honorable principles" and inserting in lieu thereof the words "upon principles of right, justice, equity, and good faith."

The amendment was adopted, and the resolution as amended was adopted, and is as follows:

*Resolved*, That it is the sense of this Congress that a commission of three persons be appointed by the President-elect, as early as may be convenient after his inauguration, and sent to the Government of the United States of America, for the purpose of negotiating friendly relations between that Government and the Confederate States of America; and for the settlement of all questions of disagreements between the two Governments, upon principles of right, justice, equity, and good faith.

The Congress then resumed the consideration of the resolutions reported yesterday by Mr. Bartow, from the Committee on Military Affairs, to wit:

*Resolved*, That it is the sense of this Congress that an immediate demand should be made upon the Government of the United States for the delivery of Forts Sumter and Pickens.

(2) *Resolved*, That if such demand be not forthwith complied with, the President be directed to take possession of them by force of arms, and he is hereby authorized to make all necessary military preparations for carrying these resolutions into effect.

The resolutions were read the second time.

After discussion, the committee, through Mr. Bartow, by leave of the Congress, substituted in lieu of the above resolutions the following:

*Resolved*, That it is the sense of this Congress that immediate steps should be taken to obtain possession of Forts Sumter and Pickens by the authority of this Government, either by negotiation, or force, as early as practicable, and the President is hereby authorized to make all necessary military preparations for carrying this resolution into effect.

The substitute was adopted, and the resolution as amended was unanimously agreed to.

Mr. Memminger moved that the injunction of secrecy be so far removed from the action of the Congress on said resolution as to authorize the delegations herein from South Carolina and Florida to communicate the same, by mail, to the governors of said States, in confidence.

The motion was lost.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act for the appointment of commissioners to the Government of the United States of America; and

A resolution authorizing the Secretary of Congress to arrange for publication the Provisional Constitution for the Government of the Confederate States of America, with the autograph signatures of the members of the Congress.

Mr. Toombs offered the following resolution; which was read three times and adopted:

*Resolved*, That the secret Journals of this body shall at all times be open to the inspection of the President of the Confederate States.

At 3 o'clock p. m.,

On motion of Mr. Stephens,

The Congress adjourned until to-morrow at 12 o'clock.

SATURDAY, FEBRUARY 16, 1861.

OPEN SESSION.

The Congress met at 12 m., pursuant to adjournment.

Prayer was offered up by Rev. Dr. Petrie.

The Journal of yesterday was read and approved.

Mr. Bartow presented a letter from Augustus H. Hansell, of Georgia; which was referred to the Committee on Patents.

Designs for flags were presented by Messrs. Bartow, Cobb, De Clouet, and Memminger, and were severally referred to the Committee on the Flag and Seal.

Mr. Hale presented a communication from John B. Read in relation to projectiles; which was referred to the Committee on Military Affairs.

Mr. Clayton, from the Committee on the Judiciary, reported a bill in relation to citizenship and to prescribe uniform rules of naturalization; which was read twice, and ordered to be placed on the Calendar of the Secret Session, and 100 copies to be printed.

Mr. Brooke, from the Committee on Patents, reported a resolution for the relief of J. M. Walden, of Georgia; which was read three times and adopted.

Mr. Conrad presented a communication from Rufus Dolbear; which was referred to the Committee on Patents.

And then,

On motion, the Congress went into secret session.

SECRET SESSION.

The Congress being in secret session, the Journal of yesterday's secret session was read and approved.

Mr. President laid before the Congress the following communication from Governor Pickens, of South Carolina; which, on motion of Mr. Chesnut, was referred to the Committee on Military Affairs, and on motion of Mr. Withers was ordered to be spread upon the Journal, and is as follows:

HEADQUARTERS,  
Charleston, February 13, 1861.

TO HON. HOWELL COBB,  
*President of the Provisional Congress.*

SIR: I had the honor last night to acknowledge the receipt of your telegram, in which you informed me that the Provisional Congress had taken charge of the "questions and difficulties" existing between the several States of the Confederacy and the Government of the United States. In the reply made to you by telegram I stated that I would communicate with you by letter, and added to it the expression of the urgent conviction of the authorities of this State as to the period in which the reduction of Fort Sumter should be complete.



And in the first place, let me offer you my warm congratulations upon the success which has attended you in the organization of the Provisional Government. May it be equal to the emergency of every occasion which may arise; and be to each State in this new confederation the efficient guardian of those rights which, ignored or usurped under the former confederation, have united these States in the bonds of a new political compact.

In taking charge of the "questions and difficulties" which relate to Fort Sumter, it will be necessary for the Congress to apprehend rightly their present position.

The force of circumstances devolved upon this State an obligation to provide the measures necessary for its defense. It has been obliged to act under the guidance of its own councils, but has never forgotten the interests of its sister States in every measure which it was about to provide for its own safety. And I beg to assure you that in all which it may at any time do, a regard for the welfare and wishes of its sister States in the new confederation will exercise a marked influence upon the conduct of this State.

The "questions and difficulties" of Fort Sumter can scarcely be fully appreciated unless by those who have been familiar with its progress from the commencement of its history to the present moment. If it shall appear otherwise, it has nevertheless been the constant, anxious desire of this State to obtain the possession of a fort, which, held by the United States, affected its dignity and safety, without a collision which would involve the loss of life. To secure this end, every form of negotiation which could be adopted in consistency with the dignity of the State, or had the promise or seeming of success, has been honestly attempted. To all of these attempts there has been but one result; a refusal in all cases, positive and unqualified, varied only as to the reasons which were set forth for its justification, has followed each demand. And now the conviction is present to the State, derived from the most calm and deliberate consideration of the whole matter, that in this persistent refusal of the President of the United States is involved a denial of the rightful independence of the State of South Carolina.

The "questions and difficulties," therefore, of Fort Sumter, comprehend now, as you will perceive, considerations which are political as well as military. And it would scarcely be considered that an undue estimate was made of the former if they were said to be as important as the latter. The establishment of them, moreover, is of the utmost consequence to every State which has united with this State in the bonds of a new confederation.

The State has held its right to the possession of Fort Sumter to be the direct and necessary consequence of its right as a sovereign State to have the control of a military post within its limits; which post, during the period of the political connection of the State with the other States, was held by the United States for the protection of South Carolina; because South Carolina was a part of the United States. And being so, upon the United States was devolved the obligation to provide that defense for this State. With the termination of the political connection between South Carolina and the United States, the obligation of the United States to defend that State ceased, unless that State itself was the property of the United States. If the State was an independent power, the rightful control within its limits of a military post, which involved its dignity and affected its safety, was, and is, recognized by the plainest rules of public law.

The denial, therefore, of the right of the State to have possession of the fort was in fact a denial of its independence. Nor has there been even a colorable pretext for a consistency of that possession by the United States with the independence of the State, since the President authorized the distinct avowal that it was held as a military post. The sole use of it as a military post is in the control, called by the President the protection, it gives to the United States of the harbor of Charleston. The assertion, then, as you will perceive, of the rightful independence of the State carries necessarily with it the right to reduce Fort Sumter into its own possession, held as it is by a hostile power for an unfriendly purpose. It is a hostile power when it asserts a right to exercise dominion over the State, which that State refuses to recognize as consistent with its own dignity and safety; and its purpose can not be otherwise than unfriendly, when it can only be to enable the United States to commit to its military subordinates a power to refuse "to permit any vessel to pass within range of the guns" which are within its walls.

It has, therefore, been considered at once proper and necessary for this State to take possession of that fort as soon as the measures necessary for the accomplishment of that result can be completed. And it is now expected that within a short time all the arrangements will be perfected necessary for its certain and speedy reduction. With the completion of these preparations and the assurance they afford of success, it has ever been the purpose of the authorities of this State to take this fort into the possession of the State. The right to do so has been considered the

right of the State; and the resources of the State have been considered equal to the exercise of that right. Whatever may be the mode in which the Congress will take charge of these "questions and difficulties," it is considered that in the solution of them you will regard the position which the State of South Carolina now occupies in relation to them. That position is marked by these propositions: That the right to have possession of the fort is a right incident to the independence the State has asserted; that to obtain possession of the fort she has exhausted all modes which consistently with her dignity can be devised for a peaceful settlement; that the failure of such attempts has remitted her to the necessity of employing force to obtain that which should have been yielded from considerations of justice and right, and that as soon as her preparations are completed, the reduction of that fort should be accomplished. In the absence of any explanation or direction connected with the telegram received from you, I have assumed that the policy and measures which have been adopted by this State, and in prosecution, will be recognized as proper.

In the consideration of the question of Fort Sumter, I have not been insensible of those matters which are in their nature consequential, and have, I trust, weighed with all the care which befits the grave responsibilities of the case, the various circumstances which determine the time when this attack should be made. With the best lights which I could procure in guiding or assisting me, I am perfectly satisfied that the welfare of the new confederation, and the necessities of this State, require that Fort Sumter should be reduced before the close of the present Administration at Washington. If an attack is delayed until after the inauguration of the incoming President of the United States, the troops now gathered in the capital may then be employed in attempting that, which, previous to that time, they could not be spared to do. They dare not leave Washington *now* to do that which *then* will be a measure too inviting to be resisted. Mr. Lincoln can not do more for this State than Mr. Buchanan has done. Mr. Lincoln will not concede what Mr. Buchanan has refused. And Mr. Buchanan has placed his refusal upon grounds which determine his reply to six States as completely as to the same demand if made by a single State. If peace can be secured, it will be by the prompt use of the occasion when the forces of the United States are withheld from our harbor. If war can be averted, it will be by making the capture of Fort Sumter a fact accomplished during the continuance of the present Administration, and leaving to the incoming Administration the question of an open declaration of war. Such a declaration, separated as it will be from any present act of hostilities during Mr. Lincoln's Administration, may become to him a matter requiring consideration. That consideration will not be expected of him, if the attack on the fort is made during his Administration, and becomes therefore, as to him, an act of present hostility. Mr. Buchanan can not resist, because he has not the power. Mr. Lincoln may not attack, because the cause of quarrel will have been, or may be considered by him, as past. Upon this line of policy have I acted, and upon the adherence to it may be found, I think, the most rational expectation of seeing that fort, which is even now a source of danger to the State, restored to the possession of the State, without those consequences which I should most deeply deplore. Should such consequences nevertheless follow from an adherence to this policy, however much I would regret the occurrence, I should feel a perfect assurance that, in happening under such circumstances, they demonstrated conclusively that under the evil passions which blind and mislead those who govern the United States, no human power could have arrested the attempted overthrow of these States. And that in the exhibition of an ability by the States of the new confederation to maintain their rights, there could be found satisfaction in the reflection that their sufferings at this time might purchase for them quiet and happiness in time to come.

I have the honor to be, with great respect, your obedient servant,

F. W. PICKENS,  
Governor of South Carolina.

Mr. Perkins offered the following resolution; which was referred to the Committee on Foreign Affairs:

*Resolved*, That the views and purposes of the Provisional Government of the Confederate States of America in regard to its future political relations with the Government of the United States of America may be distinctly understood: Therefore, be it

*Resolved*, That while this Congress will admit into the Confederacy States whose institutions harmonize with those of the Confederate States, it will entertain no proposition for a reconstruction of the Federal Union, and declares the dissolution of all political connection with the Government of the United States to be "complete, perfect, and perpetual."

Mr. Toombs, from the Committee on Finance, reported the following resolution:

*Resolved*, That the President of Congress instruct the collectors of the several ports of this Confederacy to enforce the existing revenue laws against all foreign countries, except the State of Texas.

On motion of Mr. Toombs, the resolution was laid on the table for the present.

Mr. Toombs, from the same committee, reported

A bill to exempt from duty certain commodities therein named, and for other purposes;  
which was read the first and second times.

Mr. Conrad moved that the further consideration of the bill be postponed until Monday next, and that 100 copies thereof be printed; which motion was lost.

Mr. Chesnut moved to amend the bill by additional section as follows:

SEC. 3. *And be it further enacted*, That the State of Texas be, and is hereby, exempted from the operation of the tariff laws heretofore passed or adopted by this Congress.

Mr. Brooke, at 2 o'clock p. m., moved that Congress now adjourn until Monday at 12 m.; which motion was lost.

The question recurred on the adoption of the amendment offered by Mr. Chesnut; which was adopted.

Mr. Conrad moved to amend the bill by additional section as follows:

SEC. 4. *Be it further enacted*, That in continuing in force the laws of the United States in force declaring duties on imports it was not the intention of Congress to apply those laws to importations into the Confederacy of goods, wares, or merchandise the product or manufacture of the United States.

The amendment was lost on a vote by States, the vote being unanimous in the negative.

Mr. Sparrow moved to amend the bill by additional section, viz:

SEC. 4. *Be it further enacted*, That it was not the policy of Congress in adopting the tariff and revenue laws of the United States that they should apply to articles produced in the States lying upon the Mississippi River, and introduced therefrom directly into this Confederacy.

Mr. Kenner moved that the further consideration of the bill and amendment be postponed until Monday next; which motion was lost.

The question recurred on the amendment offered by Mr. Sparrow, and on a vote by States the same was lost.

Yea: Louisiana, 1.

Nay: Alabama, Florida, Georgia, Mississippi, and South Carolina, 5.

Mr. Curry moved to amend the bill by additional section, as follows:

SEC. 4. *And be it further enacted*, That all railroad iron now entered in any port of the Confederate States upon which the duty has not been paid, or which may be entered within the next six months, shall be admitted free of duty: *Provided*, That the owner or consignee of such iron shall make oath that such iron is to be exclusively used within twelve months from the passage of this act in the construction or repair of roads within the Confederate States.

Said amendment was lost on a vote by States, to wit:

Yea: Alabama and Florida, 2.

Nay: Georgia, Louisiana, Mississippi, and South Carolina, 4.

Mr. Sparrow moved to amend the first section of the bill by inserting in the free list the words "bagging and rope made from hemp, and all agricultural products."



Said amendment was lost on a vote by States, to wit:

Yea: Louisiana, 1.

Nay: Alabama, Florida, Georgia, Mississippi, and South Carolina, 5.

And then the bill was read the third time and passed.

The resolution reported by Mr. Toombs, as above, was taken from the table, read the third time, and adopted, as follows:

*Resolved*, That the President of Congress instruct the collectors of the several ports of this Confederacy to enforce the existing revenue laws against all foreign countries, except the State of Texas.

Mr. Memminger, from the Committee on Commercial Affairs, reported

A bill to declare and establish the free navigation of the Mississippi River;

which was read twice, placed on the Calendar, and 100 copies ordered to be printed.

Mr. Memminger, from the same committee, made the following report:

The Committee on Commercial Affairs, to which was referred a resolution of inquiry as to the expediency of repealing the navigation laws of the Confederate States, respectfully report that they have duly considered the same, and are of opinion that the said laws ought to be repealed, and that the commerce of the Confederate States should be opened as far as practicable to the competition of the world. The committee, in furtherance of these views, respectfully report herewith

A bill to repeal the navigation laws, and all discriminating duties on ships or vessels.

Said bill was read twice, placed on the Calendar, and 100 copies thereof ordered to be printed.

Mr. Fearn, from the select committee to which was referred the credentials of the Delegates from Texas, reported:

That in the opinion of the committee, it is desirable and proper that said Delegates should be immediately invited to seats upon the floor of this Congress, both in secret and open sessions, and be requested to participate in its debates and deliberations; that they have free access to the Journals of the secret sessions already held, and the right to attend the meetings of all standing committees; that, as the ordinance of secession of Texas does not take effect until the 2d day of March, the Delegates from said State neither claim nor desire to exercise the right to vote prior to that time.

Mr. Fearn, on the part of said committee, reported the following resolution; which was read three times and adopted:

*Resolved*, That the Delegates to this Congress from the State of Texas be invested with all the privileges of membership herein, except the right to vote.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution to provide for the printing for the committees of the Congress;

A resolution for the preservation of the records of the Congress;

A resolution in relation to the occupation of Forts Sumter and Pickens;

A resolution giving certain powers to the Committee on Naval Affairs; and

A resolution in regard to the State of North Carolina and the commissioners from said State to this Congress.

Mr. Cobb, from the Committee on Printing, reported the following resolutions; which were adopted:

*Resolved*, That the printers selected by Congress, Messrs. Shorter and Reid, and the foreman in their printing office, and all journeymen, apprentices, or laborers employed by them in executing the printing ordered in secret session be required to appear before the President of the Congress and be sworn to keep secret all such



matters connected with the secret proceedings of Congress as shall necessarily pass through their hands.

*Resolved*, That the said public printers be instructed and required to provide a separate and distinct apartment, or room, in which to have executed such printing for Congress as shall require secrecy on the part of the printers, from which shall be excluded all persons save such as shall be obligated to secrecy while secret matter is being printed.

Mr. Sparrow presented a communication from George C. Morse, of Louisiana, relating to the establishment of an armory; which was referred to the Committee on Military Affairs.

Mr. Memminger offered the following resolution; which was adopted:

*Resolved*, That the Committee on Military Affairs be instructed to inquire and report as to the expediency of taking immediate measures for establishing a manufactory of powder and an armory, and that if deemed expedient they report a plan to Congress.

Mr. Chilton, from the Committee on Postal Affairs, made the following report:

The Committee on Postal Affairs, having considered of the duties assigned them, have instructed me to submit the following report, and the bill accompanying the same:

The committee have mainly directed their inquiries to the question whether, without material inconvenience to the public, the post-office department of this Confederacy can be made self-sustaining.

The committee find, from the latest and most reliable means of information of which they have been able to avail themselves, that the excess of expenditure over the receipts of this department in the six States composing this Confederacy for the fiscal year ending 30th June, 1859, was \$1,660,595.83. They have not been able to obtain the report of such receipts and expenditures for the last fiscal year, but they presume the above furnishes an approximation sufficiently accurate for the predicate of our present action.

To provide for this deficit, your committee would suggest that the rates of postage may be increased as proposed by the accompanying bill. By this bill they estimate an increase of receipts approximating \$578,874.83.

They believe that a saving can be effected by a change in the mode of letting out mail contracts, adopting what is usually called "the star bid system," providing all due safeguards for the celerity, certainty, and security of the mails, but without other restrictions as to the mode of transportation. In this way your committee are satisfied that the expense of mail transportation may be reduced, say, 33½ per cent upon the present cost—say, \$619,033.

They are further of opinion that there should be a discontinuance of numerous routes the cost of which is greatly disproportioned to their convenience and the receipts of the post-offices supplied by them. In this way they believe a saving of one-tenth of the present cost of transportation may be attained—say, \$206,344.

The service upon many of the routes may, without material detriment, be changed, daily routes reduced to triweekly, etc., at an estimated reduction of, say, \$206,344.

They would also recommend the abolishing of a number of minor post-offices, which occasion considerable expense without corresponding profit or convenience. In this way a saving to the department might be readily secured to the amount of, say, \$50,000.

These sums added, say, by increased receipts by reason of postage rates..	\$578, 874. 83
By saving as above indicated total.....	1, 081, 721. 00

Total.....	1, 660, 595. 83
Present excess of expenditures over receipts.....	1, 660, 595. 83

Your committee are of opinion that steps should be immediately taken to procure postage stamps of the denomination of two, five, and twenty cents; that these stamps will be sufficient to meet the wants of the department for the present.

They would further suggest that immediate steps should be taken for procuring a supply of locks and keys for the mail service, and for post-office blanks, such as are now in use.

They would further recommend that all the mail contracts within this Confederacy be relet at as early a day as practicable, and until they are relet, the existing contracts remain of force, this Government becoming responsible to such contractors from the 8th day of February, 1861.

Your committee are unable to suggest any plan until further arrangements shall have been made for the transmission of mail matter to and from other governments. They believe, however, that until postal treaties can be made, expedients arising from the necessities of the public will readily suggest themselves which will, in a great measure, remedy the inconvenience. The widespread ramifications of the express companies would furnish valuable auxiliaries for communication beyond the Confederacy, the mail matter bearing the stamps of each Government through which it may pass by said express.

All which is respectfully submitted.

W. P. CHILTON, *Chairman.*

Mr. Chilton, from the Committee on Postal Affairs, reported the following bill; which was read twice, placed on the Calendar, and 100 copies thereof ordered to be printed, viz:

A bill to prescribe the rates of postage in the Confederate States of America, and for other purposes.

Mr. Chilton made the following report:

The committee appointed to arrange for the inauguration of the President-elect for the Confederate States of America, beg leave to report that they have performed that duty, and, in connection with the other committees, have agreed upon the following programme:

1. Music.
2. Military escort.
3. The President-elect with Vice and Chaplain in open carriage drawn by six horses.
4. Congressional Committee on Ceremonies of Inauguration.
5. Committee on part of the State of Alabama.
6. Committee on part of the authorities of the city of Montgomery.
7. Commissioners to this Government from States other than the States of this Confederacy.
8. Governors of the several Confederate States.
9. Judges of the supreme courts of the several States of the Confederacy.
10. Ministers of the gospel.
- The above in carriages.
11. Citizens generally, in carriages.
12. Citizens generally, on foot.

The whole under the command of Gen. H. P. Watson, marshal of the day, with such assistants as he may appoint.

The committee would recommend the passage of the following resolution:

*Resolved*, That upon the arrival of the President-elect at the Capitol he and the Vice-President and Chaplain shall be introduced into this body by the Congressional committee, and President-elect and Vice-President shall be seated on the stand with the President of this body, and this body, upon motion, at one o'clock p. m., shall proceed to the stand prepared for them in front of the Capitol, the President-elect supported on the right and left by the Vice-President and the President of this body to the stand, when the President of this body shall call the Congress to order and announce that the Congress has assembled to inaugurate and install the President of the Confederate States of America, and shall call upon the Chaplain for prayers, after which the President-elect shall deliver his inaugural address, and then take the oath of office to be administered by the President of the Congress. After which the Congress, with the President, shall return to this Hall in the same order in which they left it.

The resolution was then taken up, read three times, and adopted.

And then,

On motion of Mr. Stephens,

Congress adjourned until Monday, at 12 m.

MONDAY, FEBRUARY 18, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered up by the Rev. Mr. Shepherd.

The Journal of yesterday [Saturday] was read and approved.

Mr. Shorter, from the Committee on Engrossment, made the following report:

The Committee on Engrossment and Enrolled Bills have instructed me to report that they have carefully examined the enrolled copy of "The Constitution for the Provisional Government of the Confederate States of America," and that the same has been correctly and handsomely enrolled on parchment in accordance with the resolution of the Congress, and is now herewith presented complete and ready for the attestation and signatures of the deputies from the several States represented in the Congress at the date of its adoption.

SHORTER, *Chairman*.

On motion of Mr. Shorter, the President and the different members of Congress affixed their signatures to the Constitution of the Provisional Government as enrolled, the same being signed first by the President and then by the deputies from the several States in the order in which they appear in the preamble of the Constitution, to wit: South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana.

Mr. Brooke, from the Committee on Patents, reported

A bill to establish a patent office and to provide for the granting and issuance of patents for new and useful inventions and improvements; which was read twice, ordered to be placed on the Calendar of the Secret Session, and to be printed.

On motion of Mr. Perkins,

Congress went into secret session.

#### SECRET SESSION.

The Congress being in secret session,

Mr. Perkins moved to reconsider the vote by which, on Saturday last, the Congress passed the bill to exempt from duty certain commodities therein named, and for other purposes.

The motion prevailed, and the vote by which the bill was ordered to a third reading was reconsidered.

On motion of Mr. Perkins, and by the unanimous consent of the Congress, the first section of the bill was amended by adding thereto the words "also all agricultural products, in their natural state."

The bill was then read the third time and passed.

At 1 o'clock p. m. the President-elect of the Confederate States of America, escorted by the Vice-President and the Committee of Arrangements, appeared within the Hall of Congress, and was escorted to the chair, supported on his right by the Vice-President and on his left by the President of the Congress.

On motion of Mr. Chilton, the Congress then repaired, in company with the President-elect, to the front of the Capitol for the purpose of inaugurating the President.

The President of the Congress presented the President-elect to the Congress.

The Rev. Dr. Basil Manly, as chaplain of the day, offered prayer.

The President-elect then delivered his inaugural address; after which the oath of office was administered to him by the President of the Congress.

On motion of Mr. Chilton, the Congress returned to its Hall, accompanied by the President of the Confederate States.

On motion of Mr. Chilton, it was ordered that the inaugural address of the President be spread upon the Journal of this body, and that 5,000 copies thereof be printed for the use of the Congress.

And then,

The Congress adjourned.



TUESDAY, FEBRUARY 19, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. H. Cobbs.

The Journal of yesterday was read and approved.

Mr. Shorter announced to Congress the arrival of Mr. Thomas N. Waul, one of the Delegates from the State of Texas. Mr. Waul appeared and took his seat by virtue of the resolution previously adopted in relation to the deputies from Texas.

Mr. Shorter, from the Committee on Engrossment, made the following report:

The Committee on Engrossment beg leave to report that they have examined and found correctly engrossed and enrolled

A resolution for the relief of J. M. Walden, a citizen of Georgia;

A resolution giving certain powers to the Committee on Naval Affairs;

A resolution for the preservation of the records of Congress;

A resolution for the enforcement of the revenue laws; and

An act to exempt from duty certain commodities therein named, and for other purposes.

Mr. Chilton laid before Congress a communication; which was referred, without reading, to the Committee on Permanent Constitution.

Mr. Brooke, from the Committee to Organize the Executive Departments, reported

A bill to organize the department of state;

which was read two times, ordered to be placed on the Calendar of the Secret Session, and to be printed.

The inaugural address of the President was received, spread upon the Journal, and is as follows:

*Gentlemen of the Congress of the Confederate States of America, Friends, and Fellow-Citizens:*

Called to the difficult and responsible station of Chief Executive of the Provisional Government which you have instituted, I approach the discharge of the duties assigned to me with an humble distrust of my abilities, but with a sustaining confidence in the wisdom of those who are to guide and to aid me in the administration of public affairs, and an abiding faith in the virtue and patriotism of the people.

Looking forward to the speedy establishment of a permanent government to take the place of this, and which by its greater moral and physical power will be better able to combat with the many difficulties which arise from the conflicting interests of separate nations, I enter upon the duties of the office to which I have been chosen with the hope that the beginning of our career as a Confederacy may not be obstructed by hostile opposition to our enjoyment of the separate existence and independence which we have asserted, and, with the blessing of Providence, intend to maintain. Our present condition, achieved in a manner unprecedented in the history of nations, illustrates the American idea that governments rest upon the consent of the governed, and that it is the right of the people to alter or abolish governments whenever they become destructive of the ends for which they were established.

The declared purpose of the compact of Union from which we have withdrawn was "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity;" and when, in the judgment of the sovereign States now composing this Confederacy, it had been perverted from the purposes for which it was ordained, and had ceased to answer the ends for which it was established, a peaceful appeal to the ballot-box declared that so far as they were concerned the Government created by that compact should cease to exist. In this they merely asserted a right which the Declaration of Independence of 1776 had defined to be inalienable; of the time and occasion for its exercise they, as sovereigns, were the final judges,



each for itself. The impartial and enlightened verdict of mankind will vindicate the rectitude of our conduct, and He who knows the hearts of men will judge of the sincerity with which we labored to preserve the Government of our fathers in its spirit. The right solemnly proclaimed at the birth of the States, and which has been affirmed and reaffirmed in the bills of rights of States subsequently admitted into the Union of 1789, undeniably recognize in the people the power to resume the authority delegated for the purposes of government. Thus the sovereign States here represented proceeded to form this Confederacy, and it is by abuse of language that their act has been denominated a revolution. They formed a new alliance, but within each State its government has remained, the rights of person and property have not been disturbed. The agent through whom they communicated with foreign nations is changed, but this does not necessarily interrupt their international relations.

Sustained by the consciousness that the transition from the former Union to the present Confederacy has not proceeded from a disregard on our part of just obligations, or any failure to perform every constitutional duty, moved by no interest or passion to invade the rights of others, anxious to cultivate peace and commerce with all nations, if we may not hope to avoid war, we may at least expect that posterity will acquit us of having needlessly engaged in it. Doubly justified by the absence of wrong on our part, and by wanton aggression on the part of others, there can be no cause to doubt that the courage and patriotism of the people of the Confederate States will be found equal to any measures of defense which honor and security may require.

An agricultural people, whose chief interest is the export of a commodity required in every manufacturing country, our true policy is peace, and the freest trade which our necessities will permit. It is alike our interest, and that of all those to whom we would sell and from whom we would buy, that there should be the fewest practicable restrictions upon the interchange of commodities. There can be but little rivalry between ours and any manufacturing or navigating community, such as the Northeastern States of the American Union. It must follow, therefore, that a mutual interest would invite good will and kind offices. If, however, passion or the lust of dominion should cloud the judgment or inflame the ambition of those States, we must prepare to meet the emergency and to maintain, by the final arbitrament of the sword, the position which we have assumed among the nations of the earth. We have entered upon the career of independence, and it must be inflexibly pursued. Through many years of controversy with our late associates, the Northern States, we have vainly endeavored to secure tranquillity, and to obtain respect for the rights to which we were entitled. As a necessity, not a choice, we have resorted to the remedy of separation; and henceforth our energies must be directed to the conduct of our own affairs, and the perpetuity of the Confederacy which we have formed. If a just perception of mutual interest shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled. But, if this be denied to us, and the integrity of our territory and jurisdiction be assailed, it will but remain for us, with firm resolve, to appeal to arms and invoke the blessings of Providence on a just cause.

As a consequence of our new condition and with a view to meet anticipated wants, it will be necessary to provide for the speedy and efficient organization of branches of the executive department, having special charge of foreign intercourse, finance, military affairs, and the postal service.

For purposes of defense, the Confederate States may, under ordinary circumstances, rely mainly upon their militia, but it is deemed advisable, in the present condition of affairs, that there should be a well-instructed and disciplined army, more numerous than would usually be required on a peace establishment. I also suggest that for the protection of our harbors and commerce on the high seas a navy adapted to those objects will be required. These necessities have doubtless engaged the attention of Congress.

With a Constitution differing only from that of our fathers in so far as it is explanatory of their well-known intent, freed from the sectional conflicts which have interfered with the pursuit of the general welfare, it is not unreasonable to expect that States from which we have recently parted may seek to unite their fortunes with ours under the Government which we have instituted. For this your Constitution makes adequate provision; but beyond this, if I mistake not the judgment and will of the people, a reunion with the States from which we have separated is neither practicable nor desirable. To increase the power, develop the resources, and promote the happiness of a confederacy, it is requisite that there should be so much of homogeneity that the welfare of every portion shall be the aim of the whole. Where this does not exist, antagonisms are engendered which must and should result in separation.

Actuated solely by the desire to preserve our own rights and promote our own welfare, the separation of the Confederate States has been marked by no aggression upon others and followed by no domestic convulsion. Our industrial pursuits have received no check. The cultivation of our fields has progressed as heretofore, and even should we be involved in war there would be no considerable diminution in the production of the staples which have constituted our exports and in which the commercial world has an interest scarcely less than our own. This common interest of the producer and consumer can only be interrupted by an exterior force which should obstruct its transmission to foreign markets—a course of conduct which would be as unjust toward us as it would be detrimental to manufacturing and commercial interests abroad. Should reason guide the action of the Government from which we have separated, a policy so detrimental to the civilized world, the Northern States included, could not be dictated by even the strongest desire to inflict injury upon us; but otherwise a terrible responsibility will rest upon it, and the suffering of millions will bear testimony to the folly and wickedness of our aggressors. In the meantime there will remain to us, besides the ordinary means before suggested, the well-known resources for retaliation upon the commerce of an enemy.

Experience in public stations, of subordinate grade to this which your kindness has conferred, has taught me that care and toil and disappointment are the price of official elevation. You will see many errors to forgive, many deficiencies to tolerate, but you shall not find in me either a want of zeal or fidelity to the cause that is to me highest in hope and of most enduring affection. Your generosity has bestowed upon me an undeserved distinction, one which I neither sought nor desired. Upon the continuance of that sentiment and upon your wisdom and patriotism I rely to direct and support me in the performance of the duty required at my hands.

We have changed the constituent parts, but not the system of our Government. The Constitution formed by our fathers is that of these Confederate States, in their exposition of it, and in the judicial construction it has received, we have a light which reveals its true meaning.

Thus instructed as to the just interpretation of the instrument, and ever remembering that all offices are but trusts held for the people, and that delegated powers are to be strictly construed, I will hope, by due diligence in the performance of my duties, though I may disappoint your expectations, yet to retain, when retiring, something of the good will and confidence which welcome my entrance into office.

It is joyous, in the midst of perilous times, to look around upon a people united in heart, where one purpose of high resolve animates and actuates the whole—where the sacrifices to be made are not weighed in the balance against honor and right and liberty and equality. Obstacles may retard, they can not long prevent the progress of a movement sanctified by its justice, and sustained by a virtuous people. Reverently let us invoke the God of our fathers to guide and protect us in our efforts to perpetuate the principles which, by His blessing, they were able to vindicate, establish and transmit to their posterity, and with a continuance of His favor, ever gratefully acknowledged, we may hopefully look forward to success, to peace, and to prosperity.

On motion of Mr. Nisbet,

Congress went into secret session: and after spending some time therein, adjourned till 12 o'clock to-morrow.

#### SECRET SESSION.

The Congress being in secret session,

The following bills were reported from the Committee to Organize the Executive Departments:

By Mr. Stephens: To organize and establish an executive department to be known as the department of justice.

By Mr. Shorter: To organize the treasury department.

By Mr. Conrad: To establish the war department.

By Mr. Boyce: To establish the post-office department.

Said bills were severally read the first and second times, placed on the Calendar of the Secret Session, and ordered to be printed.

Mr. Brooke introduced

A bill supplemental to "An act to exempt from duty certain commodities therein named, and for other purposes;"

which was read the first and second times, placed on the Calendar of the Secret Session, and ordered to be printed.

The bill to organize the department of state, reported by Mr. Brooke, from the Committee to Organize the Executive Departments, on this day in open session, was placed on the Calendar of the Secret Session and ordered to be printed.

The Congress then resumed the consideration of the bill in relation to citizenship and to prescribe uniform rules of naturalization.

And, after some discussion had thereon,

On motion of Mr. Stephens, the further consideration of the bill was postponed for the present, retaining its place on the Calendar.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill to provide munitions of war, and for other purposes; which was read three times and passed.

Congress resumed the consideration of the bill to declare and establish the free navigation of the Mississippi River.

Mr. Cobb moved to amend the first clause of the first section by striking out the words "or of the President;" which motion was lost.

On motion of Mr. Conrad, the first clause of the first section was amended by striking out the words "by authority of Congress" and inserting in lieu thereof the words "by law."

The second section having been read, as follows:

2. All ships, boats, or vessels which may enter the waters of the said river, within the limits of this Confederacy, from any port or place beyond the said limits, may freely pass with her cargo to any other port or place beyond the limits of this Confederacy without any duty or hindrance, except light money, pilotage, and other like charges: *Provided*, That whenever such ship, boat, or vessel shall have on board any manufactured goods, wares, or merchandise, consigned to any port or place beyond the limits of the Confederate States, and the said ship, boat, or vessel shall reach a port of entry within this Confederacy, the master, agent, or consignee of such ship, boat, or vessel shall deliver to the collector of such port a manifest of his cargo, and shall give bond with sufficient sureties, to be approved by the collector, that none of the said manufactured goods, wares, or merchandise on board the said ship, boat, or vessel shall be sold, delivered, or disposed of in any of the Confederate States; and in case any of the said goods, wares, or merchandise shall be landed or delivered, the said bond shall be forfeited, and the said goods, wares, and merchandise shall be liable to be seized and condemned as forfeited to the use of the Confederate States.

On motion of Mr. Memminger, the same was amended by adding after the words "goods, wares, or merchandise," where they first occur, the words "subject to the payment of duties by the laws of the Confederate States," and by striking out the word "a" in the words "shall reach a port of entry within this Confederacy" and inserting in lieu thereof the words "the first," and by inserting after "and shall give bond" the words "in a sum equal to the amount of the duties upon the said merchandise," and by adding after the words "approved by the collector" the words "with condition," and by striking out in the same the words "sold, delivered, or disposed of" and inserting in lieu thereof the word "landed."

And was also amended, on the motion of Mr. Memminger, by inserting after the words "of the Confederate States" the words "unless the entry thereof shall be first made and the duties thereon be paid or secured according to law."

Mr. Memminger moved further to amend said section by inserting after the words "and shall give bond" the words "in New Orleans."

And pending the discussion thereon,

The Congress adjourned until 12 o'clock to-morrow.



WEDNESDAY, FEBRUARY 20, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Heard.

Mr. Wright laid before Congress a communication from Mark A. Cooper relative to the manufacture of arms; which was read and referred to the Committee on Military Affairs.

Mr. Stephens, from the Committee to Organize the Executive Departments, reported

A bill to be entitled "An act to authorize the President to appoint a private secretary;"

which was read three times and passed.

On motion of Mr. Stephens,

Congress went into secret session; and after remaining some time therein, adjourned till 12 o'clock to-morrow.

## SECRET SESSION.

The Congress went into secret session.

The unfinished business of yesterday was resumed; which was the consideration of the bill

To declare and establish the free navigation of the Mississippi River.

Several amendments having been offered, on motion of Mr. Memminger the bill, together with the amendments, was recommitted to the Committee on Commercial Affairs and ordered to be printed.

On motion of Mr. Stephens, the regular order of the day was postponed and Congress resumed consideration of the bills organizing the executive departments of the Government.

The first bill in order was the bill to be entitled "An act to organize the department of state."

Mr. Conrad moved to amend the same by striking out in the fourth section the words "a copy of a," where they occur in these words, viz: "And for authenticating a copy of a record or paper, under the seal of office, one dollar." and inserting in lieu thereof the word "any."

The motion was lost.

The bill was ordered to be engrossed for a third reading; which having been done, was read a third time and passed.

The Congress then resumed consideration of the bill to organize and establish an executive department to be known as the department of justice.

On motion of Mr. Stephens, the enacting clause was ordered to be as follows for this bill and all others to be passed by the Congress, viz: "The Congress of the Confederate States of America do enact."

The bill was then ordered to be engrossed for a third reading; which being done, was read a third time and passed.

The Congress then resumed the consideration of the bill to establish the treasury department.

On motion of Mr. Shorter, the first section declaring the following words, "That there shall be a department of treasury," was amended so as to read as follows: "That there shall be an executive department known as the department of treasury."

On motion of Mr. Shorter, the bill was further amended by filling



up the blank in the tenth section, requiring the treasurer to give bond, to be approved by the secretary of the treasury and comptroller, with the words "one hundred and fifty thousand dollars."

The bill was then engrossed, read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A bill to authorize the President to appoint a private secretary.

Congress then took up and considered

A bill to be entitled "An act to establish the war department."

Mr. Howell Cobb moved to strike out from the second section thereof, where they first occur, the words "and navy;" also to strike from the same section the words "and naval forces;" which was agreed to.

On motion of Mr. Conrad, the word "land" in the second section was stricken out and the word "army" inserted in lieu thereof.

The bill as amended was read the third time and passed.

The second section of the bill as amended and passed is as follows:

SEC. 2. *Be it further enacted*, That said secretary shall, under the direction and control of the President, have charge of all matters and things connected with the Army, and with the Indian tribes within the limits of the Confederacy, and shall perform such duties appertaining to the Army, and to said Indian tribes, as may from time to time be assigned to him by the President.

Congress then took up for consideration

A bill to establish the post-office department.

On motion of Mr. Perkins, the same was amended so as to read as follows:

*The Congress of the Confederate States of America do enact*, That there shall be an executive department, to be denominated the post-office department, and there shall be a principal officer therein, to be called the postmaster-general, who shall perform such duties in relation to post-offices and post-roads as shall be enjoined on him by the President of the Confederate States, agreeably to the Constitution and the laws of the land, who shall be paid an annual salary to be fixed by law, and have power to appoint a chief clerk and such inferior clerks as may be found necessary, who shall receive such compensation as may be fixed by law.

On motion of Mr. Withers, the word "roads" was stricken out and the word "routes" inserted in lieu thereof.

The bill as amended was read the third time and passed.

The following was received from the President, viz:

*Mr. President*: The President has approved and signed the following acts which passed the Congress:

An act to provide munitions of war, and for other purposes; and

An act to authorize the President to appoint a private secretary.

The President has appointed Robert Josselyn, of Mississippi, his Private Secretary.

ALEX. B. CLITHERALL,

*Private Secretary pro tempore.*

On motion of Mr. Barnwell, the regular order of the day was postponed for the time; when he reported

A bill to determine the salaries of the Vice-President and of the heads of departments; which was read the first and second times, engrossed, and read a third time, and passed.

Congress then took up for consideration

A bill to repeal the navigation laws and all discriminating duties on ships or vessels.

Mr. Memminger moved to amend the same by striking out of the third section the words, where they first occur, "tonnage" and "of

fifty cents per ton, together with the additional amounts," and also to strike out the word "fifty," where it next occurs, and inserting in lieu thereof the word "twenty."

Pending the discussion on which motion, Mr. Bartow moved to postpone the further consideration of the bill for the present; which was adopted, and the bill retains its place on the Calendar.

The injunction of secrecy was ordered to be removed from the acts organizing the executive departments.

On motion of Mr. Bartow, it was ordered that it be left in the discretion of the President as to whether the injunction of secrecy should be removed from the whole or any portion of the bill to provide munitions of war, and for other purposes.

Mr. Harris offered the following resolution, viz:

*Resolved*, That the President of Congress be authorized to direct for the time being the publication of all the public laws of Congress of general nature, heretofore enacted, in one newspaper of each of the Confederate States;

which was read three times and agreed to.

Mr. Chilton offered the following resolution:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of appointing at the earliest practicable period a competent officer to proceed to the State of Texas to receive and accept the services of such volunteers as may be desirous of entering the Army of this Confederacy in said State; also into the propriety of conferring rank and pay upon all officers and privates now in the service of the United States within the State of Texas who may resign and join the Army of this Confederacy, and the time when such pay shall commence.

The resolution was read three times and adopted.

Mr. Chilton also offered the following resolution:

*Resolved*, That the Committee on Indian Affairs be directed to inquire into the expediency, and report by bill or otherwise, for opening negotiations with the Indian tribes of the West in relation to all matters concerning the mutual welfare of said tribes and of the people of these Confederate States;

which was read three times and adopted.

On motion of Mr. Miles, the Committee on Flag and Seal of the Confederacy were authorized to employ a draftsman.

Mr. Conrad, from the Committee to Organize the Executive Departments, reported

A bill to establish the navy department; which was read the first and second times and engrossed, and read the third time and passed.

Mr. Brooke moved that when Congress adjourn it adjourn until 11 o'clock to-morrow.

The motion was lost.

On motion of Mr. Withers,

Congress adjourned until 12 o'clock to-morrow.

THURSDAY, FEBRUARY 21, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

The Journal of yesterday was read and approved.

Mr. Chilton laid before Congress two communications from William P. Barker; which, on motion of Mr. Chilton, were referred one to the Committee on Military Affairs and the other to the Committee on Patents.

Mr. Fearn presented to Congress a paper on the subject of an armory from Samuel P. L. Marshall; which was referred to the Committee on Military Affairs.

Mr. Cobb offered the following resolution:

A resolution of inquiry as to an export duty on cotton.

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of laying an export duty on all raw cotton which may be exported from the Confederate States to any foreign country by any other channel than through the seaports of this Confederacy;

which was read three times and adopted.

Mr. Shorter, chairman of the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to establish the treasury department;

An act to organize the department of state;

An act to establish the navy department;

An act to establish the war department;

An act to establish the post-office department;

An act to organize and establish an executive department to be known as the department of justice; and

An act to determine the salaries of the Vice-President and of the heads of departments.

On motion of Mr. Harris.

Congress went into secret session; and after remaining some time therein, adjourned till 12 o'clock to-morrow.

#### SECRET SESSION.

Congress having gone into secret session,

The Journal of yesterday was read and approved.

Congress resumed the consideration of

A bill to be entitled "An act to prescribe the rates of postage in the Confederate States of America, and for other purposes."

Mr. Crawford moved to strike from the first section the following words, to wit: "not exceeding three hundred miles" and further to strike out the words "and for any distance exceeding three hundred miles, double that rate;" which was lost.

On motion of Mr. Waul, the word "three," where it occurs in the first section, was stricken out and the word "five" inserted in lieu thereof.

Mr. Crawford moved to strike out the following words, they being the last sentence of the second section, to wit:

The publishers of newspapers or periodicals may send to each other, from their respective offices of publication, free of postage, one copy of each publication;

which was lost, the States voting as follows:

Yea: Florida, Mississippi, and South Carolina, 3.

Nay: Alabama, Georgia, and Louisiana, 3.

On motion of Mr. Chilton, the following was adopted as the beginning of the first section, viz:

*The Congress of the Confederate States of America do enact*, That from and after such period as shall be announced by the proclamation of the Postmaster-General there shall be charged the following rates of postage, to wit:

Mr. Cobb moved to amend the bill by adding the following as additional sections, to wit:

*Be it further enacted*, That every deputy postmaster at whose office any mail matter is delivered from any contractor, or other officer, or agent, in the postal service of the United States of America, which matter shall have upon it the postage stamps of the said United States, shall forward the said matter by due course of mail, without prepayment of postage, to this Confederacy. And all deputy postmasters in the Confederate States to whose office such mail matter shall come, shall collect on all such matter, before delivery, the postage due thereon under the rates established by this act.

*And be it further enacted*, That it shall be the duty of all the deputy postmasters appointed under this Confederacy to deliver any mail matter directed to offices without the territorial limits of this Confederacy and within the United States to any contractor, or other officer, or agent, in the postal service of the said United States.

Pending discussion thereon,

The following communication was received from the President:

*Mr. President:* The President has approved and signed on this day the following bills which passed the Congress:

A bill to establish the War Department;

A bill to establish the Navy Department;

A bill to establish the Post-Office Department;

A bill to organize and establish an Executive Department to be known as the Department of Justice;

A bill to determine the salaries of the Vice-President and of the heads of Departments;

A bill to establish the Department of State; and

A bill to organize the Treasury Department.

ROBERT JOSSELYN,  
*Private Secretary.*

FEBRUARY 21, 1861.

On motion of Mr. Stephens, Congress went into executive session; and after spending some time therein, resumed the consideration of business in secret session.

Mr. Hale moved to amend the amendment offered by Mr. Cobb by substituting for Mr. Cobb's amendment the following:

*Be it further enacted*, That the Postmaster-General of the Confederate States be, and is hereby, authorized to make all necessary arrangements for the transmission of mails between the territories of this and other governments, subject to the approval of the President, until postal treaties can be effected;

which was agreed to, the vote thereon being taken by States with the following result:

Yea: Alabama, Florida, Louisiana, Mississippi, and South Carolina, 5.

Nay: Georgia, 1.

The question then recurred on the adoption of Mr. Hale's amendment as an additional section of the bill, and which was agreed to.

Mr. Conrad moved to amend by adding the following additional sections, to wit:

*Be it further enacted*, That until such arrangement be made that every deputy postmaster at whose office any mail matter is delivered from any contractor, or other officer, or agent, in the postal service of the United States of America, which matter shall have upon it the postage stamps of the said United States shall forward the said matter by due course of mail, without the prepayment of postage, to this Confederacy. And all deputy postmasters in the Confederate States to whose office such mail matter shall come, shall collect on all such matter, before delivery, the postage due thereon under the rates established by this act.

*Be it further enacted*, That it shall be the duty of all the deputy postmasters appointed under this Confederacy to deliver any mail matter directed to offices without the territorial limits of this Confederacy and within the United States to



any contractor, or other officer, or agent, in the postal service of the said United States.

The vote being taken on the amendment by States is as follows:

Yea: Florida, Georgia, and Louisiana.

Nay: Alabama, Mississippi, and South Carolina.

Mr. Crawford for the State of Georgia moved to reconsider the vote taken by States upon the motion to strike out the last clause of the second section of the bill; which was lost, the States voting as follows:

Yea: Florida, Georgia, and South Carolina, 3.

Nay: Alabama, Louisiana, and Mississippi, 3.

The bill as amended was ordered to be engrossed for a third reading; which having been done and read a third time, was passed.

On motion of Mr. Kenner, it was ordered that when the act prescribing the rates of postage for the Confederacy shall be published that the report of the Committee on Postal Affairs relative thereto be also published with the act.

On motion of Mr. Stephens.

Congress adjourned till 12 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President, viz:

EXECUTIVE DEPARTMENT,  
*Montgomery, Ala., February 21, 1861.*

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: I hereby transmit for the advice of the Congress the following nominations, to wit:

Robert Toombs, of Georgia, to be Secretary of State of the Confederate States of America.

C. G. Memminger, of South Carolina, to be Secretary of the Treasury.

Leroy Pope Walker, of Alabama, to be Secretary of War.

JEFF'N DAVIS.

The question being,

Will Congress advise and consent to the nominations made by the President as above communicated?

It was unanimously decided in the affirmative.

There being no further executive business, the Congress resumed the consideration of the business upon the Calendar.

FRIDAY, FEBRUARY 22, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered up by the Rev. Mr. A. D. Pellicer.

The Journal of yesterday was read and approved.

Mr. Hale laid before Congress a communication relative to a flag for the Confederate States, together with designs for a flag from H. A. Pond; which were referred to the Committee on Flag and Seal.

Mr. Wright introduced a bill to be entitled

An act to form a volunteer division in the Army of the Confederate States of America;

which was read twice, and on motion of Mr. Wright referred to the Committee on Military Affairs.

Mr. Brooke offered the following resolution:

A resolution for the relief of William P. Barker.

*Resolved*, That William P. Barker, a citizen of the State of Alabama, be authorized to file in the office of the Attorney-General a specification of an invention claimed to have been made by him as an improvement in the mode of casting ordnance, and that the same shall from this date operate as a caveat to protect his said invention until an application can be made for a patent according to law;

which was read three several times and adopted.

On motion of Mr. Barnwell, Mr. Memminger was excused and relieved from further service on the Committee on Commercial Affairs;

Whereupon, Mr. President appointed Mr. Miles to be a member of said committee.

On motion of Mr. Smith,

Congress went into secret session; and after spending some time therein, adjourned till 12 o'clock to-morrow.

#### SECRET SESSION.

The Congress being in secret session, the following proceedings were had:

Mr. Shorter offered the following resolution, viz:

*Resolved*, That the committee to arrange for public buildings be authorized to buy or lease a mansion for the residence of the President of the Confederate States;

which was read the first and second times.

On motion of Mr. Conrad, the same was amended by striking out the words "buy or."

Mr. Crawford moved to postpone the resolution indefinitely; which motion was lost.

Mr. Conrad moved to amend the resolution by adding the following words, viz: "*Provided*, That the rent of said mansion shall not exceed five thousand dollars per annum."

The motion was lost.

The resolution was engrossed, read the third time, and on the question of agreeing to the resolution, the vote having been taken by States is as follows:

Yea: Alabama, Florida, Georgia, and Mississippi.

Nay: Louisiana and South Carolina.

So the resolution was passed.

Mr. Barnwell, from Committee on Finance, reported

A bill to raise money for the support of the Government of the Confederate States; which was read a first and second time and ordered to be printed and placed on the Calendar.

Mr. Clayton, from the Judiciary Committee, reported

A bill in relation to the slave trade, and to punish offenses against the same; which was read the first and second times, ordered to be printed, and placed on the Calendar.

Mr. Clayton, from the same committee, also reported a bill to establish the judicial courts of the Confederate States of America; which was read the first and second times, ordered to be printed, and made the special order for Monday next.

Mr. Conrad, from the Committee on Naval Affairs, made the following report, to wit:

The Committee on Naval Affairs beg leave respectfully to report that the committee, believing that in the present condition of our affairs, with the limited means at our command and with no navy-yard in our possession except that of Pensacola, which is commanded by the guns of Fort Pickens, any very extensive naval preparations in time to meet the dangers that threaten us are impracticable, have for the present limited their inquiry to such naval means as might serve as auxiliaries to forts and arsenals and cooperate with land forces in the defense of rivers and harbors.

The committee having no means of informing themselves on this subject, and (the Executive Departments, whose appropriate duty it would be to furnish this information, not being yet established) they summoned to their aid several gentlemen of reputation and experience lately attached to the Navy of the United States and another formerly a distinguished officer of the Corps of Engineers, and requested them to prepare a report upon the subject. This report was promptly made, and the committee herewith append it.

The committee think that the suggestions therein contained are highly important and call for immediate action, but, as the duty of carrying them into effect has now devolved upon the Executive, the committee will simply recommend that a copy of this report and of the documents accompanying the same be sent without delay to the President.

On motion of Mr. Conrad, it was ordered that the report, with accompanying documents, be immediately laid before the President.

Mr. Bartow, from the Committee on Military Affairs, reported a bill to provide for the public defense; which was read the first and second times, ordered to be printed, and placed on the Calendar.

Mr. Bartow, from the same committee, reported the following resolution, to wit:

*Resolved*, That the President of the Confederate States be requested to communicate, in such manner as he may deem expedient, to the governors of South Carolina and Florida the resolution of Congress concerning Forts Sumter and Pickens;

which was read the first and second times, engrossed, read a third time, and agreed to.

On motion of Mr. Brooke, the bill to establish a patent office, and to provide for the granting and issuance of patents for new and useful discoveries, inventions, and improvements, was removed from the Calendar and made the special order of the day for Tuesday next.

Mr. Crawford, from the Committee on Commercial Affairs, to whom was recommitted

A bill to declare and establish the free navigation of the Mississippi River, together with amendments thereto, reported a substitute as an amendment to the same; which, being taken up and the first section having been read,

Mr. Hale moved to amend the same so as to make it read as follows:

*The Congress of the Confederate States of America do enact*, That the peaceful navigation of the Mississippi River is hereby declared free to the citizens of any of the States upon its borders, or upon the borders of its navigable tributaries; and all ships, boats, rafts, or vessels may navigate the same under such regulations as may be established by law and such police regulations as the States within their several jurisdictions may establish;

which was agreed to.

Mr. Withers moved to amend the first section so as to make the concluding clause of the same read as follows:

and all ships, boats, rafts, or vessels may navigate the same under such regulations as may be established by the States within their several jurisdictions;

which was lost.

The second section being read as follows:

SEC. 2. All ships, boats, or vessels, which may enter the waters of the said river within the limits of this Confederacy, from any port or place beyond the said limits, may freely pass with her cargo to any other port or place beyond the limits of this Confederacy without any duty or hindrance, except light money, pilotage, and other like charges. But it shall not be lawful for any such ship, boat, or vessel to sell, deliver, or in any way dispose of any part of her cargo, or land any portion thereof for the purpose of sale and delivery within the limits of this Confederacy; and, in case any portion of such cargo shall be sold or delivered, or landed for that purpose, in violation of the provisions of this act, the same shall be forfeited, and shall be seized and condemned by a proceeding in admiralty before the court having jurisdiction of the same in the district in which the same may be found; and the ship, boat, or vessel shall forfeit four times the amount of the value of the duties chargeable on the said goods, wares, or merchandise so landed, sold, or disposed of in violation of the provisions of this act, to be recovered by a proper proceeding in admiralty before the said court, in the district in which such ship, boat, or vessel may be found, one-half for the use of the collector of the district who shall institute and conduct such proceeding, and the other half for the use of the Government of the Confederate States: *Provided*, That if any such ship, boat, or vessel shall be stranded, or from any cause become unable to proceed on its voyage, the cargo thereof may be landed and the same may be entered at the nearest port of entry, in the same manner as goods, wares, and merchandise regularly consigned to said port; and the person so entering the same shall be entitled to the benefit of drawback of duties or of warehousing said goods, wares, and merchandise, as provided by law in other cases.

Mr. Hale moved to amend the same by striking out the words where they occur, viz:

shall forfeit four times the amount of the value of the duties chargeable on the said goods, wares, or merchandise so landed, sold, or disposed of in violation of the provisions of this act, to be recovered,

And to insert in lieu thereof the following words: "and her cargo shall be forfeited and may be seized and sold;" which amendment was lost.

On motion of Mr. Memminger, the same was amended by adding after the words "it shall be lawful to enter the said goods, wares, and merchandise at any port" the words

or to forward them under bond or seal, according to the regulations customary in such cases, when consigned to any port or place beyond the limits of this Confederacy.

On motion of Mr. Conrad, the section was further amended by inserting after the word "port," where it next occurs after the amendment of Mr. Memminger, the words "and on payment of the duties on said goods to obtain from the collector a license to land at any point on the river."

The fifth section having been read,

On motion of Mr. Walker, the same was amended by inserting after the words "goods, wares, and merchandise," where they first occur, the words "subject to the payment of duty," and after the words "a manifest of the cargo on board," where they first occur, the words "subject to the payment of duties."

On motion of Mr. Harris, the said section was further amended by adding as the last clause thereof, the following proviso:

*Provided, however*, That until ports of entry shall be established above the city of Vicksburg, on the Mississippi River, the penalties of this act shall not extend to the delivery of goods above that port by vessels or boats descending said river.

The report of the committee as amended was then adopted in lieu of the original bill.

The bill was then engrossed as amended, read a third time, and passed.



Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to prescribe the rates of postage in the Confederate States of America, and for other purposes.

On motion of Mr. Sparrow,

The Congress adjourned until 12 o'clock to-morrow.

## SATURDAY, FEBRUARY 23, 1861.

### OPEN SESSION.

The Congress met pursuant to adjournment.

Prayer by Right Rev. Bishop Andrew.

The Journal of yesterday was read and approved.

Mr. Anderson presented the following communication, which on his motion was ordered to be entered in full upon the Journal; which is done, viz:

MONTGOMERY, ALA., *February 23, 1861.*

To the Hons. JACKSON MORTON, JAMES B. OWENS, and J. PATTON ANDERSON,  
*Deputies in Congress from the State of Florida.*

GENTLEMEN: I have the pleasure herewith to furnish you with a copy of the joint resolutions recently adopted by the general assembly expressive of their hearty approval of the election of the Hons. Jefferson Davis and Alexander H. Stephens as President and Vice-President of the Confederate States of America.

Owing to the irregularity of the mails, I have deemed it advisable to furnish you with the same in advance of the regular certified copy which you will doubtless receive.

Very respectfully,

D. P. HOLLAND.

Joint resolutions.

*Resolved*, That the general assembly of Florida have heard with pleasure of the selection by the convention at Montgomery, of the Hons. Jefferson Davis and Alexander H. Stephens as President and Vice-President of the Southern Confederation; and that in the selection of these two distinguished statesmen, they recognize that burial of former political differences which is so much to be desired by all true lovers of their country.

*Resolved further*, That this general assembly recognizes the Hon. Jefferson Davis as Chief Magistrate of the Southern Confederation, and as such, as being entitled to exercise the same powers and privileges at all points, and in all respects within the limits of the State of Florida, as the President of the late United States could have exercised while Florida was a member of that Confederation.

Adopted at Tallahassee, Fla., February 14, 1861.

Mr. Wright presented a design for a flag for the Confederate States; which was referred to the Committee on the Flag and Seal.

Mr. Cobb, from the Committee on Printing, reported

A bill in relation to public printing; which was read twice, placed on the Public Calendar, and ordered to be printed.

And then,

On motion of Mr. Hale, the Congress went into secret session.

### SECRET SESSION.

Congress having resolved itself into secret session,

The first general order being

A bill to raise money for the support of the Government.

On motion of Mr. Barnwell, the same was recommitted.

The next regular order being

A bill to be entitled "An act supplemental to an act to exempt certain commodities therein named, and for other purposes, passed February 18, 1861:"

On motion of Mr. Barnwell, the same was referred to the Committee on Finance.

Congress resumed the consideration of

A bill in relation to the slave trade, and to punish persons offending therein.

The third section thereof being reported as follows:

SEC. 3. Any person violating the first section of this act, or any provision thereof, or aiding or abetting others in the violation thereof, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the penitentiary or common jail of the State where the conviction may be had, where by the laws of the State such penitentiary or jail may be used for that purpose, and if not, in such other place as may be provided by law, for a term not less than ten nor longer than twenty years; and shall, moreover, be fined, at the discretion of the court, not less than one thousand nor more than five thousand dollars. And if any person within the Confederate States shall knowingly sell, purchase, receive, conceal, remove, or aid and assist in concealing or removing, any negro, mulatto, coolie or person of color so illegally imported as aforesaid, such person shall be guilty of a high misdemeanor, and on conviction shall be punished by a fine of not less than one thousand dollars and not exceeding five thousand dollars. For all offenses under this act each negro, mulatto, or person of color illegally imported, or knowingly sold, purchased, received, concealed, or removed as aforesaid shall be held and considered as a separate offense.

Mr. Barry moved to strike out the word "felony," where it first occurs, and insert in lieu thereof the words "high misdemeanor."

Mr. Bartow demanded the question; which was seconded and the amendment was lost, the States voting as follows:

Yea: Florida and South Carolina, 2.

Nay: Alabama, Louisiana, and Mississippi, 3.

Georgia being divided.

At the instance of the State of South Carolina, the yeas and nays of the entire body were called for and recorded as follows:

Alabama—Yea: Mr. McRae, 1. Nay: Messrs. Walker, Smith, Chilton, Hale, Shorter, and Fearn, 6.

Florida—Yea: Messrs. Morton, Anderson, and Owens, 3.

Georgia—Yea: Messrs. Bartow, Crawford, and Wright, 3. Nay: Messrs. Howell Cobb, T. R. Cobb, and Kenan, 3.

Louisiana—Yea: Mr. Marshall, 1. Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow, 4.

Mississippi—Yea: Messrs. Wilson and Barry, 2. Nay: Messrs. Harris, Brooke, Clayton, and Harrison, 4.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Miles, Withers, and Boyce, 7.

Yea: Florida and South Carolina, 2.

Nay: Alabama, Louisiana, and Mississippi, 3.

Divided: Georgia, 1.

Mr. Barry moved further to amend the section by striking out the following words as they occur, to wit:

shall be punished by imprisonment in the penitentiary or common jail of the State where the conviction may be had, where by the laws of the State such penitentiary or jail may be used for that purpose, and if not, in such other place as may be provided by law, for a term not less than ten nor longer than twenty years; and

Also to strike out the word "moreover," where it next occurs, and to insert after the word "dollars," at the end of the sentence where it first occurs, the following:

In the event the person or persons convicted under this section shall fail, refuse, or be unable to pay the fine imposed upon conviction, he or they shall be liable to imprisonment in the common jail of the State where the conviction may be had, where by the laws of the State such jail may be used for the purpose, and if not, in such other place as may be provided by law, for a term not less than two nor more than five years;

which motion to strike out and add to was lost.

Mr. Chilton moved to strike out where they first occur the words "shall be guilty of a felony;" which was agreed to, the States voting as follows:

Yea: Alabama, Florida, Mississippi, and South Carolina, 4.

Nay: Louisiana, 1.

Georgia being divided.

On motion of Mr. Brooke, the words "if there be no penitentiary" were inserted immediately after the word "jail," where it first occurs.

Mr. Withers moved to strike out the last sentence of said section, the same being in the following words, to wit:

For all offenses under this act each negro, mulatto, or person of color illegally imported, or [knowingly] sold, purchased, received, concealed, or removed as afore-said shall be held and considered as a separate offense.

Pending which motion, on motion of Mr. Brooke, the further consideration of the bill was postponed till Wednesday next.

During the discussion of the bill, the following message was received from the President:

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., February 23, 1861.

*Mr. President:* The President has on this day approved and signed

An act to prescribe the rates of postage in the Confederate States of America, and for other purposes.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Waul offered the following resolution:

*Resolved,* That we suggest that all officers who have resigned or may resign their places in the Army and Navy of the United States on account of their attachment to the Confederate States, or either of them, to file their applications where they desire service in the Army and Navy of the Confederate States as early as convenient with the Secretaries of War and Navy, and that we recommend all such applications to the favorable consideration of the Secretaries of War and Navy and of the President;

which was adopted, and on motion of Mr. Waul the injunction of secrecy thereon was removed.

On motion of Mr. Kenner, the injunction of secrecy was removed from the act to declare and establish the free navigation of the Mississippi River.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act for the relief of William P. Barker; and

A resolution to provide an executive mansion.

And then,

On motion of Mr. Kenner,

Congress adjourned until Monday at 12 o'clock.

MONDAY, FEBRUARY 25, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered up by the Rev. Dr. Manly.

The Journal of Saturday was read and approved.

Mr. Shorter offered the following resolution:

*Resolved*, That the Committee on the Public Lands be instructed to inquire into the present condition of the public lands lying within the limits of the Confederate States, and also into the expediency of disclaiming by the Confederate States all title or right in the same in favor of the States respectively in which any public lands may be situated, and that the committee have leave to report by bill or otherwise, as they may deem expedient;

which was adopted.

Mr. Chesnut presented to Congress a memorial from George Fox and John C. Thornton on the subject of an invention; which was referred to the Committee on Patents.

Mr. Waul laid before Congress a communication from Henry Winslow relative to the possession of the Territory of New Mexico by the Confederate States of America; which was referred to the Committee on Territories.

Mr. Waul laid before Congress two communications from O. M. Roberts relative to Indian tribes; which were referred to the Committee on Indian Affairs.

On motion of Mr. Cobb, the general order on the Calendar of the Open Session, it being a bill in relation to public printing, was postponed for the present.

Mr. Memminger presented to Congress a communication from Simpson Bobo relative to the establishment of an armory; which was referred to the Committee on Military Affairs.

On motion of Mr. Barnwell,

Congress went into secret session; and after spending some time therein, adjourned till 12 o'clock to-morrow.

## SECRET SESSION.

Congress having resolved itself into secret session,

The Journal of yesterday [Saturday] was read and approved.

The special order of the day being

A bill to be entitled "An act to establish the judicial courts of the Confederate States of America,"

The consideration of the same was postponed for the time.

On motion of Mr. Bartow, the resolution suggesting to the officers who have resigned their commissions in the Army and Navy of the United States to file their applications for office under the Confederate States was reconsidered; and on motion of Mr. Bartow, the vote by which the injunction of secrecy was removed from the same resolution was also reconsidered, and the resolution was referred to the Committee on Military Affairs.

On motion of Mr. Bartow, the members of the Committee on Military Affairs were excused from attendance on Congress, for the purpose of allowing them to meet in committee.



Mr. Barnwell, from the Committee on Finance, reported the following bill:

A bill to define more accurately the exemption of certain goods from duty;

which was read three times and passed.

Mr. Barnwell, from the Committee on Finance, reported

A bill to raise money for the support of the Government and to provide for the defense of the Confederate States of America; which was ordered to be placed on the Calendar and to be printed.

Mr. Crawford, from the Committee on Commercial Affairs, reported

A bill to authorize the Secretary of the Treasury to establish additional ports and places of entry and appoint officers therefor; which bill was read the first and second times, engrossed, and read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to declare and establish the free navigation of the Mississippi River.

Mr. Sparrow offered the following resolution:

*Resolved*, That the Committee on Indian Affairs be instructed to inquire into the policy of providing for the appointment of agents to the different tribes of Indians occupying territory adjoining this Confederacy, and, should they consider it advisable to do so, to report a bill for that purpose;

which was adopted.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill to be entitled "An act for the establishment and organization of a general staff for the Army of the Confederate States of America;"

which was read a first and second time, ordered to be engrossed for a third reading, and which having been done, was read a third time, and passed; and on motion of Mr. Bartow, the injunction of secrecy thereon was removed.

Congress resumed the consideration of

A bill to repeal the navigation laws and all discriminating duties on ships or vessels,

The first section being reported as follows:

*The Congress of the Confederate States of America do enact*, That all laws which require the registering, enrolling, or licensing of any ship or vessel are hereby repealed, and also all laws which forbid the employment in the coasting trade of ships or vessels not enrolled or licensed, and also all laws which forbid the importation of goods, wares, or merchandise from one port of the Confederate States to another port of the Confederate States, or from any foreign port or place, in a vessel belonging wholly or in part to a subject or citizen of any foreign State or power.

On motion of Mr. Memminger, the following words as they occur were stricken out, to wit:

which require the registering, enrolling, or licensing of any ship or vessel are hereby repealed, and also all laws.

On motion of Mr. Memminger, the section was further amended by adding to the end of the same the words "are hereby repealed."

The section as amended is as follows:

*The Congress of the Confederate States of America do enact*, That all laws which forbid the employment in the coasting trade of ships or vessels not enrolled or licensed, and also all laws which forbid the importation of goods, wares, or merchandise from one port of the Confederate States to another port of the Confederate States, or from

any foreign port or place, in a vessel belonging wholly or in part to a subject or citizen of any foreign State or power, are hereby repealed.

The third and last section being reported as follows:

3. A tonnage duty of fifty cents per ton, together with the additional amount of fifty cents per ton for light money, shall be paid upon every ship or vessel which shall be entered at a port of the Confederate States. But the said payments shall not be required more than once in a year from any ship or vessel whose usual employment is in river navigation or in the coasting trade between any ports of the Confederate States.

On motion of Mr. Memminger, the same was stricken out.

On motion of Mr. Sparrow, the title of the bill was changed so as to read as follows:

A bill to modify the navigation laws and repeal all discriminating duties on ships or vessels.

The bill as amended was then ordered to be engrossed for a third reading; which having been done, the bill was read a third time and passed; and on motion of Mr. Memminger, the secrecy thereon was removed.

Mr. Conrad offered the following resolution:

*Resolved*, That in the opinion of Congress the President, in making appointments in the Army and Navy, should give the preference to officers who have resigned their commissions in the Army and Navy of the United States on account of the secession of the States represented in this body, or of any one of said States, when such officers are found suitable for the service.

Mr. Harrison moved to refer the same to the Committee on Military Affairs; which was agreed to, the States voting as follows:

Yea: Alabama, Florida, Georgia, Mississippi, and South Carolina, 5.

Nay: Louisiana, 1.

Mr. Memminger offered the following resolution:

*Resolved*, That the heads of Departments be admitted to the floor of Congress both in secret and open session,

And on motion of Mr. Memminger, the same was referred to the Committee on Rules.

The following message was received from the President:

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., February 25, 1861.

*Mr. President:* The President has on this day approved and signed the following acts which passed the Congress:

An act to declare and establish the free navigation of the Mississippi River;

An act for the relief of William P. Barker; also

A resolution to provide an executive mansion.

ROBT. JOSSELYN,  
*Private Secretary.*

On motion of Mr. Clayton, the regular order was postponed; and

Congress took up the unfinished business of the last session, which was the consideration of the bill in relation to the slave trade and to punish persons offending therein.

The pending question was on the motion of Mr. Withers to amend the third section thereof by striking therefrom the following words:

For all offenses under this act each negro, mulatto, or person of color illegally imported, or sold, purchased, received, concealed, or removed as aforesaid shall be held and considered as a separate offense.

The motion was lost.

The sixth section having been read as follows, viz:

SEC. 6. Every negro illegally imported as aforesaid into the Confederate States shall be arrested by the marshal or his deputies, or any officer of the said States

charged in any manner with the execution of this act, and shall be safely kept, subject to the disposition hereinafter provided. And the said officer shall immediately notify the President of the Confederacy of such arrest and confinement. The President shall, as soon as possible, communicate with the governor of the State whence the vessel in which such negroes were imported cleared, if the same be one of the United States of America, and shall offer to deliver such negroes to the said State on receiving a guaranty from such State that the said negroes shall enjoy the rights and privileges of freemen in such State or in any other State of the United States. If such proposition be rejected, or if the contingency specified above shall not have occurred, the President shall receive any propositions which may be made by any responsible persons or society, who will furnish satisfactory guaranty to the President that such negroes will be transported to Africa and there placed at liberty free of expense to this Government. And if no such proposition shall be made within a reasonable time, the President shall cause the said negroes to be sold at public outcry to the highest bidder under such regulations as he may prescribe, the proceeds of which sale, after paying all the expenses incurred by the Government in the capture, detention and sale of such negroes, and in the prosecution of the offenders, and the forfeiture of the property, shall be paid, one-half to the *the* informer (if he be bona fide such) and the other half into the Treasury of the Confederate States.

Mr. Harrison moved to amend the same by striking out the following words, viz:

And if no such proposition shall be made within a reasonable time, the President shall cause the said negroes to be sold at public outcry to the highest bidder under such regulations as he may prescribe, the proceeds of which sale, after paying all the expenses incurred by the Government in the capture, detention and sale of such negroes, and in the prosecution of the offenders, and the forfeiture of the property, shall be paid, one-half to the *the* informer (if he be bona fide such) and the other half into the Treasury of the Confederate States;

which motion was lost.

Mr. Conrad moved to amend the same section by striking out the following words: "enjoy the rights and privileges of freemen in" and inserting in lieu thereof the following words: "be properly provided for by."

The motion was lost.

On motion of Mr. Walker, the section was amended by inserting after the words "or in any of the United States" the following words: or that such negroes will be transported to Africa and there placed at liberty free of expense to this Government.

Mr. Wilson moved to amend the section by striking out the following words, to wit:

the President shall cause the said negroes to be sold at public outcry to the highest bidder under such regulations as he may prescribe, the proceeds of which sale, after paying all the expenses incurred by the Government in the capture, detention and sale of such negroes, and in the prosecution of the offenders, and the forfeiture of the property, shall be paid, one-half to the *the* informer (if he be bona fide such) and the other half into the Treasury of the Confederate States,

And inserting in lieu thereof the following words, to wit: "the said negroes shall be disposed of as may be prescribed by the laws of the State in which they may be found."

Mr. Chesnut moved to lay the bill on the table.

The motion was lost.

Mr. Cobb moved to amend the section by inserting after the words "sold at public outcry to the highest bidder" the words "in any one of the States where such sale shall not be inconsistent with the laws thereof."

The motion prevailed.

The question then recurred on the amendment of Mr. Wilson, and the vote having been taken by States is as follows:

Yea: Mississippi.



Nay: Alabama, Florida, Georgia, Louisiana, and South Carolina.  
So the motion was lost.

The section as amended reads as follows:

SEC. 6. Every negro illegally imported as aforesaid into the Confederate States shall be arrested by the marshal or his deputies, or any officer of the said States charged in any manner with the execution of this act, and shall be safely kept, subject to the disposition hereinafter provided. And the said officer shall immediately notify the President of the Confederacy of such arrest and confinement. The President shall, as soon as possible, communicate with the governor of the State whence the vessel in which such negroes were imported cleared, if the same be one of the United States of America, and shall offer to deliver such negroes to the said State on receiving a guaranty from such State that the said negroes shall enjoy the rights and privileges of freemen in such State or in any other State of the United States, or that such negroes will be transported to Africa and there placed at liberty free of expense to the Government. If such proposition be rejected, or if the contingency specified above shall not have occurred, the President shall receive any propositions which may be made by any responsible persons or society, who will furnish satisfactory guaranty to the President that such negroes will be transported to Africa and there placed at liberty free of expense to this Government. And if no such proposition shall be made within a reasonable time, the President shall cause the said negroes to be sold at public outcry to the highest bidder in any one of the States where such sale shall not be inconsistent with the laws thereof, under such regulations as he may prescribe, the proceeds of which sale, after paying all the expenses incurred by the Government in the capture, detention and sale of such negroes, and in the prosecution of the offenders, and the forfeiture of the property, shall be paid, one-half to the *the* informer (if he be bona fide such) and the other half into the Treasury of the Confederate States.

The eighth section having been read, as follows:

SEC. 8. Offenses against the provisions of this act may be prosecuted, or forfeitures declared, at any time within five years from the time the same were committed or occurred, or from the time of the discovery of the same.

Mr. Barry moved to amend the same by striking out the words "or from the time of the discovery of the same."

The motion was lost.

On motion of Mr. Shorter, the section was amended by striking out all of the same and inserting in lieu thereof the following words, to wit:

All proceedings for offenses committed against the provisions of this act, or forfeitures incurred by the same, shall be barred unless commenced within five years from the time the same were committed or occurred, or from the time of the discovery of the same.

The ninth section having been read as follows, to wit:

SEC. 9. No transfers of title to an innocent purchaser, with or without notice, for or without value, shall interfere with such forfeiture, but the same shall be declared at the instance of any informer. On such trials the informer or prosecutor shall not be required to allege or prove the name of the vessel in which the illegal importation was made, nor the name of the master, owner, or consignee, nor the person from whom the negro was purchased, but shall only be required to satisfy the jury that such negro has been illegally imported. And on all such trials the person having such negro in possession shall be compelled to produce such negro in open court for the personal inspection of the jury. On failure to comply with the order of the court for such production, judgment of forfeiture shall go as of course, unless satisfactory excuse for such failure be offered, etc."

Mr. Barry moved to amend the same by striking out all after words "illegally imported," in the second sentence; which motion was lost.

Mr. Smith moved to amend the bill by adding the following additional section, viz:

SEC. 10. All other laws on the same subject be, and the same are hereby, repealed.

"So recorded in the Journal, but the original draft, on file in the War Department, after the word "offered" reads "to the court," omitting "etc."



The motion prevailed.

Mr. Barry moved to amend the first section of the bill by striking out the following words, to wit: "other than the slaveholding States of the United States of America."

The vote thereon was taken by States and is as follows:

Yea: Mississippi.

Nay: Alabama, Florida, Georgia, Louisiana, and South Carolina.

So the motion was lost.

The bill was then engrossed, read a third time,

And on the question Shall the bill pass?

The vote was taken by States and is as follows, viz:

Yea: Alabama, Florida, Georgia, Louisiana, and South Carolina.

Nay: Mississippi.

So the bill was passed as amended.

On motion of Mr. Cobb, the injunction of secrecy was removed from the action of Congress in passing the same.

Mr. Brooke moved that when Congress adjourn it adjourn until to-morrow, 11 o'clock.

The motion was lost; and

On motion of Mr. Stephens,

Congress adjourned until 12 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

CONFEDERATE STATES OF AMERICA, EXECUTIVE DEPARTMENT,  
*Montgomery, Ala., February 25, 1861.*

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: I hereby transmit for the advice of the Congress the following nominations, to wit:

Henry T. Ellett, of Mississippi, to be Postmaster-General.

Judah P. Benjamin, of Louisiana, to be Attorney-General.

S. R. Mallory, of Florida, to be Secretary of the Navy.

JEFF'N DAVIS.

The Congress then proceeded to act upon the said communication.

And the question being,

Will the Congress advise and consent to the nomination of Henry T. Ellett to be Postmaster-General?

It was unanimously decided in the affirmative.

The question Will the Congress advise and consent to the nomination of Judah P. Benjamin to be Attorney-General?

Was unanimously decided in the affirmative.

The question being,

Will the Congress advise and consent to the nomination of S. R. Mallory to be Secretary of the Navy?

On motion of Mr. Morton, the said nomination was referred to the Committee on Naval Affairs.

The following communication was also received from the President:

EXECUTIVE DEPARTMENT,  
*Montgomery, Ala., February 25, 1861.*

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: I hereby transmit for the advice of the Congress the following nominations of commissioners to the Government of the United States of America, in accordance

with the resolution of Congress providing for such commission and declaratory of the purposes thereof: A. B. Roman, of Louisiana; M. J. Crawford, of Georgia; and John Forsyth, of Alabama.

JEFF'N DAVIS.

And the question being,

Will the Congress advise and consent to the nominations made by the President as above communicated?

The same was unanimously decided in the affirmative.

There being no further executive business, Congress resumed the consideration of the business upon the Calendar.

## TUESDAY, FEBRUARY 26, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Mitchell.

The Journal of yesterday was read and approved.

Mr. Hale presented to Congress a communication and design for a flag; which were referred to the Committee on Flag and Seal.

Mr. Curry laid before Congress two communications relative to a flag; which were referred to the appropriate Committee on Flag.

Mr. Hill presented to Congress a design for a flag; which was also referred to the Committee on Flag and Seal.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act in relation to the slave trade and to punish persons offending therein;

An act to authorize the Secretary of the Treasury to establish additional ports and places of entry and appoint officers therefor;

An act for the establishment and organization of a general staff for the Army of the Confederate States of America;

An act to modify the navigation laws and repeal all discriminating duties on ships or vessels; and

An act to define more accurately the exemption of certain goods from duty.

Congress resumed the consideration of

A bill in relation to public printing.

The bill was taken up by sections,

The sixth section being reported as follows:

SEC. 6. The Public Printers shall be entitled to receive as compensation for the publication of the laws and Journals the following prices, viz:

For each page of the laws and Journals, including presswork, paper, pressing, folding, and stitching, the sum of four dollars.

On motion of Mr. Cobb, the word "four," where it first occurs, was stricken out and the word "six" inserted in lieu thereof.

The first clause of the seventh section being as follows:

SEC. 7. For all job printing ordered by Congress the Public Printers shall receive the following compensation and no more, viz:

First. For bills, resolutions, and reports—For composition per page (foolscap), one dollar and twenty-five cents; for presswork, folding, and stitching one hundred copies, twenty-five cents per page, and pro rata for all copies over one hundred.

Mr. Cobb moved to strike out the word "twenty," where it first occurs, and insert in lieu thereof the word "seventy;" which was agreed to.

The bill as amended was then ordered to be engrossed for a third reading; which having been done, and the bill read a third time, was passed.

On motion of Mr. Brooke,

Congress went into secret session; and after spending some time therein, adjourned till 12 o'clock to-morrow.

#### SECRET SESSION.

The Congress having convened in secret session, the following proceedings were had:

On motion of Mr. Stephens, the special order of the day was postponed for the time, and the President proceeded to the call of the committees.

Mr. Rhett, from the Committee on Permanent Constitution, reported  
The Constitution of the Confederate States of America.

Mr. Stephens, from the Committee to Organize the Executive Departments, reported

A bill to authorize the Secretary of State to appoint an assistant; which was read the first and second times, engrossed, read a third time, and passed.

Mr. Rhett, from the Committee on Foreign Affairs, reported

A bill to provide the compensation for the commissioners to European powers.

The bill was read the first and second times; and

The first section having been read, placing the compensation for each of the commissioners "at the rate of one thousand dollars a month,"

Mr. Curry moved to amend the same by striking out the words "one thousand" and inserting in lieu thereof the words "eight hundred."

The motion was lost.

The bill was engrossed, read a third time, and passed.

On motion of Mr. Barnwell, the special order and regular order of the day were postponed and the bill to raise money for the support of the Government and to provide for the defense of the Confederate States of America was taken up.

The fourth section being as follows, viz:

4. The certificates of stock and bonds shall be issued in such form and for such amounts as may be determined by the Secretary of the Treasury, and may be assigned or delivered under such regulations as he may establish. But none of them shall be for a less sum than one hundred dollars; and he shall report to Congress, at its next session, a statement in detail of his proceedings, and the rate at which the loans may have been made, and all expenses attending the same.

On motion of Mr. Nisbet, the same was amended by striking out the words "one hundred" and inserting in lieu thereof the word "fifty."

The fifth section being as follows, viz:

5. From and after the first day of August, eighteen hundred and sixty-one, there shall be levied, collected, and paid a duty of one-eighth of one cent per pound on all cotton in the raw state exported from the Confederate States, which duty is hereby specially pledged to the due payment of interest and principal of the loan provided for in this act; and the Secretary of the Treasury is hereby authorized and required to establish a sinking fund to carry into effect the provisions of this section: *Provided, however,* That the interest coupons, issued under the second section of this act, when due, shall be receivable in payment of the export duty on cotton.

Mr. Sparrow moved to amend the same by striking out the words "one-eighth of one cent per pound on all cotton in the raw state" and

inserting in lieu thereof the words "two and a half per cent upon the value of all commodities."

Mr. Stephens, after discussion thereon, demanded the question; which was seconded, and the question being taken, the motion was lost.

Mr. Stephens moved to amend by striking out the whole of the section.

Mr. Withers moved to amend the section by adding the following proviso, viz:

*Provided, also, That when the debt and interest thereon herein authorized to be contracted shall be extinguished, or the sinking fund provided for that purpose shall be adequate to that end, the said export duty shall cease and determine.*

After discussion, Mr. Stephens demanded the question; which having been seconded and the question taken, the motion was agreed to.

The question then recurred on the motion of Mr. Stephens to amend by striking out the section, and the vote having been taken by States is as follows:

Yea: Alabama and Florida.

Nay: Georgia, Louisiana, Mississippi, and South Carolina.

Mr. Withers moved to amend the section by striking out the same and inserting in lieu thereof the words as follows, viz:

From and after the first day of August, eighteen hundred and sixty-one, there shall be levied, collected and paid \_\_\_\_\_ cents on each and every slave within the ages of twelve and fifty years, which tax is hereby specially pledged to the due payment of interest and principal of the loan provided for by this act; and the Secretary of Treasury is hereby authorized and required to establish a sinking fund to carry out the provisions of this section: *Provided, That each State in this Confederacy may supersede the laying and collection of said tax by paying into the Treasury of this Confederacy a sum of money equal to the aggregate of said tax which would be received in such State: And provided also, That when the debt herein authorized to be contracted shall be extinguished, or when the sinking fund provided for that purpose shall be adequate to that end, the said tax shall cease and determine, and as the said debt shall be diminished, the said tax shall be reduced in due proportion: And provided further, That the interest coupons issued under the second section of this act, when due, shall be receivable in payment of said tax.*

The following communications were received from the President:

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., February 26, 1861.

*Mr. President:* The President has approved and signed the following acts passed by the Congress:

An act to modify the navigation laws and repeal all discriminating duties on ships or vessels;

An act for the establishment and organization of a general staff for the Army of the Confederate States of America; and

An act to define more accurately the exemption of certain goods from duty.

ROBERT JOSSELYN,  
Private Secretary.

EXECUTIVE OFFICE, February 26, 1861.

GENTLEMEN OF THE CONGRESS: Though the General Government of the Confederate States is specially charged with the questions arising from the present condition of Forts Sumter and Pickens, and the Executive is required by negotiation or other means to obtain possession of those works, and though the common defense and the issues of peace or war of the Confederate States must necessarily be conducted by their general agent, the only material of war which we possess is held by the authorities of the several States.

To distribute the arms and munitions so as best to provide for the defense of the country it is needful that they be placed under the control of the General Government.

We have now but little information as to the quantity and quality of the military supplies on hand, and have no authority to call for returns from the officers of the States. The courtesy and patriotism of the respective governors would no doubt



willingly meet such inquiry, and would probably induce them to transfer either armament or stores in compliance with a requisition from this Government, but efficiency requires the exclusive control as well of the means as of the works of defense. The General Government, being also charged with foreign intercourse, may have in the course of negotiation to account for the property of the United States which as a consequence of secession passed under the authority of the several States anterior to the formation of this Government.

For these considerations I respectfully suggest that the proper legislation be adopted to secure the transfer of all arms and munitions now in the forts, arsenals, and navy-yards to the custody of the Government of the Confederate States, and that full returns be made of all arms and munitions which have been distributed from the public stores to the troops of the several States, with authority to this Government to take charge of the accountability for them, and also to receive, to be accounted for to the several States, such arms and munitions as have been purchased by them and which they are willing to devote to the common service of the Confederacy.

The difficulty of supplying our wants in that regard by purchase abroad or by manufacture at home is well known to the Congress and will render unnecessary an argument to enforce the general policy herein presented, and I have only respectfully to commend the subject to your consideration.

JEFF'N DAVIS.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the Secretary of State to appoint an assistant; and

An act to provide the compensation for the commissioners to the European powers.

On motion of Mr. Hill,

The Congress adjourned until 12 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

EXECUTIVE DEPARTMENT,  
*Montgomery, Ala., February 26, 1861.*

HON. HOWELL COBB,  
*President of the Congress.*

SIR: Thereby transmit for the advice of the Congress the following nominations, in accordance with a resolution passed February 13, 1861, to provide for a commission to proceed to Europe, under instructions to be given: William L. Yancey, of Alabama; P. A. Rost, of Louisiana; and A. Dudley Mann, of Confederate States.

JEFF'N DAVIS.

On motion of Mr. Hill, the communication was referred to the Committee on Foreign Affairs.

There being no further executive business, Congress resumed the consideration of the Calendar.

WEDNESDAY, FEBRUARY 27, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered up by the Rev. Dr. Capers.

The Journal of yesterday was read and approved.

Mr. Wright presented to Congress a model for a flag; which was referred to the Committee on Flag and Seal.

Mr. Wright offered the following resolution:

*Resolved by the Confederate States in Congress assembled,* That whenever the Congress may enter upon the consideration of the permanent Constitution it shall be done in open session;

which was ordered to be placed on the Calendar.

Mr. Chilton offered the following resolution:

*Resolved,* That the Committee on Naval Affairs be instructed to inquire into the propriety of constructing by this Government of two iron-plated frigates and such iron-plated gunboats as may be necessary to protect the commerce and provide for the safety of this Confederacy;

which was read three times and adopted.

Mr. Conrad presented a memorial; which was referred, without being read, to the Committee on Finance.

Mr. Chesnut laid before Congress a communication on the subject of an armory; which was referred to the Committee on Military Affairs.

Mr. Withers laid before Congress a communication from J. M. Pitts relative to patents; which was referred to the Committee on Patents.

Mr. Waul laid before Congress a communication from James E. Harrison relative to the Cherokee, Choctaw, Chickasaw, and Creek Indian tribes; which was referred to the Committee on Indian Affairs.

Mr. Wilson, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act in relation to public printing.

Mr. Miles presented to Congress a model for a flag; which was referred to the appropriate Committee on Flag and Seal.

On motion of Mr. Chesnut,

Congress went into secret session; and after spending some time therein, adjourned till 11 o'clock to-morrow.

#### SECRET SESSION.

Congress having resolved itself into secret session,

The Journal of yesterday was read and approved.

On motion of Mr. Chilton, the regular business of Congress was suspended for the time and

Mr. Chilton introduced

A bill to authorize the collection of postages on mail matter carried in steamships between any port or ports in Europe and any port or ports in the Confederate States of America;

which was read two times, and on motion of Mr. Rhett was referred to the Committee on Postal Affairs.

Mr. Chesnut moved to reconsider the vote by which the motion to strike out the fifth section of

A bill to raise money for the support of the Government and to provide for the defense of the Confederate States of America.

After some discussion thereon, Mr. Stephens demanded the question; which was seconded, and the motion to reconsider was lost, the States voting as follows:

Yea: Alabama, Florida, and Georgia.

Nay: Louisiana, Mississippi, and South Carolina.

Congress took up the unfinished business of the day previous.

Pending the discussion on the amendment of Mr. Withers, offered by him as a substitute for the fifth section, Mr. Stephens demanded the question.

On the question to second the demand the same was lost, the States voting as follows:

Yea: Florida, Georgia, and Mississippi, 3.

Nay: Alabama and Louisiana, 2.

South Carolina being divided.

After further discussion Mr. Stephens again demanded the question; which was seconded, and the motion to substitute was lost.

Mr. Hale moved to amend the fifth section by striking out, where they first occur, the words "a duty of one-eighth of one cent per pound on all cotton in the raw state exported from the Confederate States," and to insert in lieu thereof the following:

an ad valorem duty of one per cent upon all cotton, rice, sugar, molasses, syrup, tobacco, lumber, tar, pitch, turpentine, and rosin exported from this Confederacy, the value thereof to be estimated at the port from which the same is exported;

which amendment was lost, the States voting as follows:

Yea: Alabama and Florida.

Nay: Louisiana, Mississippi, and South Carolina.

Georgia being divided.

Mr. Marshall, at the instance of Louisiana, demanded the yeas and nays of the entire body; which were taken and recorded as follows:

Alabama—Yea: Messrs. Walker, Smith, Chilton, Hale, Shorter, Lewis, and Fearn, 7. Nay: Messrs. Curry and McRae, 2.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Crawford, Nisbet, Hill, T. R. R. Cobb, and Kenan, 5. Nay: Messrs. Toombs, Howell Cobb, Bartow, Wright, and Stephens, 5.

Louisiana—Yea: Messrs. Sparrow and Marshall, 2. Nay: Messrs. De Clouet, Conrad, and Kenner, 3.

Mississippi—Yea: Mr. Brooke, 1. Nay: Messrs. Harris, Wilson, Clayton, Barry, and Harrison, 5.

South Carolina—Yea: Messrs. Chesnut and Withers, 2. Nay: Messrs. Rhett, Barnwell, Keitt, Memminger, Miles, and Boyce, 6.

Mr. Sparrow offered the following as a substitute for the fifth section, viz:

That the Secretary of the Treasury be, and he is hereby, instructed to call upon the several States of the Confederacy requesting them to guarantee, each in proportion to its representative population, so much of the loan authorized to be made by this act as he may find the public wants require.

The amendment was lost, the States voting as follows:

Yea: Alabama and Florida, 2. Nay: Georgia, Louisiana, Mississippi, and South Carolina, 4.

Mr. Harris then offered the substitute offered by Mr. Sparrow as an additional section to the bill; which was lost.

Mr. Rhett offered the following as an additional section:

SEC. 6. *And be it further enacted*, That unless war arises between the Confederate States and the United States not more than five millions of dollars shall be raised by this act;

which was also lost.

Mr. Harris offered the following as a substitute for the bill, to wit:

*The Congress of the Confederate States of America do enact*, That there shall be collected at the several ports of the Confederacy an export duty of \_\_\_\_\_ on all exports.

*And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to issue Treasury warrants in such sums not less than \_\_\_\_\_ to an amount not exceeding \_\_\_\_\_, which warrants shall be receivable in payment of the said duty; which was lost.

The bill was then ordered to be engrossed for a third reading; which having been done and the bill read a third time, was passed, the States voting on the passage of the bill as follows:

Yea: Georgia, Louisiana, Mississippi, and South Carolina, 4.

Nay: Alabama and Florida, 2.

Mr. Shorter, at the instance of Alabama, called for the yeas and nays of the entire body; which were recorded as follows:

Alabama—Yea: Messrs. Chilton, McRae, and Lewis, 3. Nay: Messrs. Smith, Curry, Hale, Shorter, and Fearn, 5.

Florida—Nay: Messrs. Morton and Owens, 2.

Georgia—Yea: Messrs. Howell Cobb, Bartow, Crawford, Nisbet, Wright, and T. R. Cobb, 6. Nay: Messrs. Hill, Kenan, and Stephens, 3.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner, 3. Nay: Messrs. Sparrow and Marshall, 2.

Mississippi—Yea: Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison, 6.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Memminger, Miles, and Boyce, 6. Nay: Messrs. Chesnut and Withers, 2.

Mr. Bartow, from the Committee on Military Affairs, reported the following bill:

A bill to be entitled “An act to raise provisional forces for the Confederate States of America, and for other purposes;” which having been read the first and second times was ordered to be engrossed for a third reading.

The bill was then read a third time and passed.

Mr. Kenner offered the following resolution:

*Resolved*, That hereafter the Congress will meet at eleven o’clock a. m.; which was adopted.

Mr. Kenner also offered the following resolution:

*Resolved*, That the permanent Constitution shall be the special order for each day hereafter as soon as Congress goes into secret session, and shall so continue until final action is had thereon.

Mr. Rhett moved to amend the same by striking out the word “hereafter” and inserting in lieu thereof the words “after Saturday next;” which motion to amend was lost, the vote being taken by States, as follows:

Nay: Alabama, Florida, Georgia, Louisiana, and Mississippi.

South Carolina being divided.

The resolution was then adopted.

Mr. Rhett offered the following resolution:

*Resolved*, That the President of the Congress be authorized to employ two competent stenographers, who, under the injunction of secrecy, shall take down and write out the debates and action had upon the permanent Constitution;

which was lost.

Mr. Clayton offered the following resolution:

*Resolved*, That in the consideration of the permanent Constitution the Delegates from Texas be in all respects recognized as members of this body, with full power to discuss and vote upon the same;

which was agreed to.



On motion of Mr. Bartow, the injunction of secrecy was removed from the act to raise provisional forces for the Confederate States of America, and for other purposes.

On motion of Mr. Barnwell, the injunction of secrecy was also removed from the

Act to raise money for the support of the Government and to provide for the defense of the Confederate States of America.

A message was received from the President to the effect that he had approved and signed

An act in relation to public printing;

An act to authorize the Secretary of State to appoint an assistant; and

An act to provide the compensation for the commissioners to European powers.

On motion of Mr. Brooke,

Congress adjourned until 11 o'clock to-morrow

#### EXECUTIVE SESSION.

The Congress having gone into executive session,

Mr. Rhett, from the Committee on Foreign Affairs, made the following report:

The Committee on Foreign Affairs, to whom was referred the nomination by the President of W. L. Yancey, P. A. Rost, and A. Dudley Mann, as commissioners to the European powers, respectfully report that they have had the same under consideration and recommend that the Congress do advise and consent to the nomination of W. L. Yancey and P. A. Rost.

The report was unanimously concurred in.

So the Congress do advise and consent that William L. Yancey, of Alabama, and P. A. Rost, of Louisiana, be commissioners to the European powers under the resolution of the Congress passed February 13, 1861.

There being no further executive business, the Congress resumed the consideration of the Calendar.

#### THURSDAY, FEBRUARY 28, 1861.

#### OPEN SESSION.

The Congress met pursuant to adjournment.

Mr. Chilton presented a memorial from the merchants of the city of Montgomery; which was referred, without being read, to the Committee on Commercial Affairs.

Mr. Curry presented a communication from J. E. Hutz; which was referred to the Committee on Naval Affairs.

Mr. Curry also presented a design for a flag; which was referred to the Committee on Flag and Seal.

Mr. Cobb reported

A bill to define the jurisdiction of the Federal courts in certain cases; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Hill presented a design for a flag; which was referred to the Committee on Flag and Seal.

Mr. Chesnut presented a memorial from George T. Sinclair, praying a caveat for an invention made by him in reference to a magazine

until a patent can be obtained; which was referred to the Committee on Patents.

Mr. Ochiltree presented a communication from John C. Robertson, chairman of committee on public safety of the State convention of the State of Texas; which was referred to the Committee on Military Affairs.

Mr. Curry presented a communication from J. M. Lapsley on the subject of a tariff; which was referred to the Committee on Finance.

Mr. Hill presented a communication from I. C. Plant on the subject of patents; which was referred to the Committee on Patents.

Mr. Chilton, from the Committee on Postal Affairs, reported a Bill supplemental to "An act to regulate the rates of postage and for other purposes;"

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to raise provisional forces for the Confederate States of America, and for other purposes; and

An act to raise money for the support of the Government and to provide for the defense of the Confederate States of America.

On motion of Mr. Nisbet,

The Congress went into secret session; and after spending some time therein, adjourned until 11 o'clock to-morrow.

#### SECRET SESSION.

Congress being in secret session, Mr. Cobb offered the following resolution, viz:

*Standing order.*—Whenever the regular order shall have been passed through in open session it shall be the duty of the President to announce, without motion, that Congress will now go into secret session;

which was agreed to.

On motion of Mr. Morton, the Congress resolved that it would resolve itself in convention and take up for consideration each day at 12 o'clock m. the Constitution of the Confederate States of America, until the same should be disposed of.

On motion of Mr. Clayton, Congress took up for consideration the Bill to establish the judicial courts of the Confederate States of America.

Mr. Harris moved to amend the second section thereof by inserting before the words "district court" the word "judicial;" which motion was lost.

Mr. Smith moved to amend the section by inserting after the words "who shall reside" and before the words "in the State" the words "in the principal commercial town;" which motion was lost.

Mr. Sparrow moved to amend the said section by striking out therefrom the word "three" and inserting in lieu thereof the word "five."

Pending discussion thereon, the following message was received from the President through his Private Secretary, Mr. Josselyn, viz:

EXECUTIVE DEPARTMENT, *February 28, 1861.*

*Mr. President:* The President has approved and signed the following acts passed by the Congress, to wit:

An act to authorize the Secretary of the Treasury to establish additional ports and places of entry and delivery, and appoint officers therefor;

An act to raise provisional forces for the Confederate States of America, and for other purposes; and

An act to raise money for the support of the Government and to provide for the defense of the Confederate States of America.

The Congress then, on motion of Mr. Maul,

*Resolved*, That the Secretary keep a separate journal, to be entitled "the Journal of the Convention of Deputies from the independent and sovereign States of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas." "

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act supplemental to "An act to regulate the rates of postages, and for other purposes."

The following communication was received from the President:

EXECUTIVE DEPARTMENT, *February 28, 1861.*

GENTLEMEN OF THE CONGRESS: With sincere deference to the judgment of the Congress I have carefully considered the bill "in relation to the slave trade and to punish persons offending therein," but have not been able to approve and therefore do return it with a statement of my objections.

The Constitution, section seven, article first, provides that "The importation of African negroes from any foreign country other than the slaveholding States of the United States is hereby forbidden, and Congress is required to pass such laws as shall effectually prevent the same." The rule herein given is emphatic and distinctly directs legislation which shall effectually prevent the importation of African negroes. The bill before me denounces as a high misdemeanor the importation of negroes or other persons of color, either to be sold as slaves or to be held to service or labor, affixing heavy and degrading penalties on the act if done with such intent. To that extent it accords with the requirement of the Constitution, but in the 6th section of the bill provision is made for the transfer of negroes who may have been illegally imported into the Confederate States to the custody of foreign States or societies, upon condition of deportation and future freedom, and if the proposition thus to surrender them shall not be accepted it is then made the duty of the President to cause said negroes to be sold at public outcry to the highest bidder in any one of the States where such sale shall not be inconsistent with the laws thereof, etc.

This latter provision seems to me in opposition to the policy declared in the Constitution, the prohibition of the importation of African negroes, and in derogation of its mandate to legislate for the effectuation of that object. Wherefore the bill is returned for your further consideration, together with the objections most respectfully submitted.

JEFF'N DAVIS.

Mr. Memminger moved to adjourn.

The motion was lost.

Mr. Stephens moved that when Congress adjourn it adjourn until 10 o'clock to-morrow.

The motion prevailed.

On motion of Mr. Memminger.

The Congress adjourned until 10 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session,

Mr. Conrad, from the Committee on Naval Affairs, made the following report on the part of the majority of said committee:

The Committee on Naval Affairs, to whom was referred the nomination of S. R. Mallory, of Florida, as Secretary of the Navy, beg leave to recommend that said nomination be confirmed.

Mr. Owens, from the same committee, made the following minority report:

Being unable at this time to concur in the recommendation of the majority of the committee in reference to the nomination of Mr. S. R. Mallory as Secretary of

the Navy, I feel it due to myself to say that as I am in daily expectation of further information touching the wishes of Florida in this regard, and, perhaps, other facts in the possession of my absent colleague, Mr. Anderson, I am not now prepared to act on the nomination, and must therefore at present dissent from the report of the majority.

All of which is respectfully submitted.

JAS. B. OWENS.

On motion of Mr. Morton, the further consideration of the subject was postponed until to-morrow.

FRIDAY, MARCH 1, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment.

The Journal of yesterday was read and approved.

There being no business on the Public Calendar, Congress went into secret session; and after spending some time therein, adjourned till 10 o'clock to-morrow.

#### SECRET SESSION.

Congress having gone into secret session,

The first business in order was the consideration of

An act in relation to the slave trade and to punish persons offending therein;

which was returned by the President with his objections.

Mr. Clayton moved to postpone for the time its consideration.

Mr. Chesnut submitted the point of order that under the Constitution Congress must proceed to the consideration of the bill.

The Chair so ruled.

Pending discussion on said bill, the hour of 12 o'clock m. having arrived, Congress resolved itself in convention, and after spending some time therein resolved itself in Congress; and

A message was received from the President through his Private Secretary that he had approved and signed

An act supplemental to an act to regulate the rates of postage, and for other purposes.

Mr. Bartow, from the Committee on Military Affairs, reported a bill to be entitled

An act for the establishment and organization of the Army of the Confederate States of America;

which was read twice, ordered to be placed on the Calendar, and to be printed.

On motion of Mr. Bartow,

Congress adjourned till 10 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

HON. HOWELL COBB,

*President of the Congress.*

SIR: I have the honor herewith to transmit the nomination of Peter G. T. Beauregard, of Louisiana, to be brigadier-general of the Provisional Army, authorized by the act of Congress of February 27, 1861, and to submit the same for the advice and consent of the Congress.

JEFF'N DAVIS.



And the question being,

Will the Congress advise and consent to the said nomination?

The same was unanimously agreed to.

So the Congress do advise and consent that Peter G. T. Beauregard, of Louisiana, be brigadier-general in the Provisional Army of the Confederate States.

There being no further executive business, the Congress resumed the consideration of the business on the Calendar.

SATURDAY, MARCH 2, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

The Journal of yesterday was read and approved.

Mr. Curry presented a memorial from Horace Ware relative to the establishment of a foundry and an armory for the Confederacy; which was referred to the Committee on Military Affairs.

Mr. Harris offered the following resolution:

*Resolved*, That the Committee on Finance be instructed to enter upon a revision of the present tariff as early as practicable, with a view to the gradual reduction of the rate of duties, and the enlargement of the free list by the exemption of such dutiable articles as occasion an expense and trouble in the collection of duties disproportionate to the revenue arising thereon;

which, after discussion, the further consideration of the same for the time was postponed.

Mr. Waul announced the arrival of Mr. J. H. Reagan and Mr. W. S. Oldham, Delegates from Texas, who appeared and took their seats.

On motion of Mr. Stephens,

Congress went into secret session; and after spending some time therein, adjourned till 10 o'clock to-morrow [Monday next].

• SECRET SESSION.

The Congress having resolved itself in secret session,

Mr. Stephens reported a bill to be entitled "An act to admit Texas as a member of the Confederate States of America;" which was read the first and second times, engrossed, read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to admit Texas as a member of the Confederate States of America.

A message was received from the President that he had approved and signed

An act to admit Texas as a member of the Confederate States of America.

On motion of Mr. Chesnut the injunction of secrecy was removed from the action of Congress in reference to said bill.

On motion of Mr. Toombs, the Delegates from the State of Texas took the oath to support the Constitution of the Provisional Government and signed the roll of the Congress.

The unfinished business of the previous day was taken up.

The question was on the passage of the bill in relation to the slave trade and to punish persons offending therein; which was returned by the President with his objections.

Mr. Stephens demanded the question; which was seconded.

The vote on the passage of the bill was taken by States and the yeas and nays entered at large on the Journal.

Mr. Hill was excused from voting, for the reason that he was not present when the bill was under consideration and discussion.

The following is the vote:

Alabama—Yea: Messrs. Curry and Chilton, 2. Nay: Messrs. Smith, Hale, Shorter, and Fearn, 4.

Florida—Yea: Messrs. Morton and Owens, 2.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, T. R. R. Cobb, and Kenan, 6. Nay: Messrs. Wright and Stephens, 2.

Louisiana—Nay: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall, 5.

Mississippi—Nay: Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison, 6.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, and Miles, 4. Nay: Messrs. Chesnut, Withers, and Boyce, 3.

Texas—Yea: Mr. Ochiltree, 1. Nay: Messrs. Waul, Oldham, Reagan, and Gregg, 4.

Summary—Yea: Florida, Georgia, and South Carolina, 3. Nay: Alabama, Louisiana, Mississippi, and Texas, 4.

The bill, not receiving a vote of two-thirds of the Congress, was lost.

On motion of Mr. Cobb, the injunction of secrecy was removed from the fact that the President had vetoed the bill; also from the message of the President and the subsequent proceedings of Congress thereon.

Mr. Stephens, at the instance of Georgia, moved to reconsider the vote just taken on Mr. Cobb's motion.

Mr. Stephens demanded the question; which was seconded, and the motion to reconsider prevailed.

Mr. Cobb then withdrew his motion.

Mr. Stephens moved that Congress take a recess from 3.30 o'clock p. m. till 7.30 o'clock p. m.; which was agreed to.

On motion of Mr. Bartow, the regular order was postponed and Congress proceeded to the consideration of a bill to be entitled

An act for the establishment and organization of the Army of the Confederate States of America.

At the hour of 12 o'clock m. Congress went into convention; and after remaining some time therein, again resolved itself in secret session; and

Mr. Brooke offered a resolution in relation to patents and caveats:

*Resolved*, That all persons, being citizens of the Confederate States, who may wish to procure patents or file caveats for inventions and useful discoveries and improvements, may file in the office of the Attorney-General a specification of such invention, discovery, or improvement, together with such descriptive drawings as may be necessary; and such specification, when so filed, shall operate as a caveat to protect the rights of such persons until regular application can be made according to law; and this resolution shall apply to all patents heretofore granted by the United States to citizens of this Confederacy, and to caveats heretofore filed by such citizens in the Patent Office of the United States, on such patents and copies of such caveats being deposited, as aforesaid, in the office of the Attorney-General: *Provided*, That such applicants shall pay such fees as may hereafter be required by law establishing a patent office, on application for patents and filing of caveats;

which was read the first and second times, engrossed, read a third time, and agreed to.

Mr. Toombs, from the Committee on Finance, reported

A bill to create the clerical force of the several Executive Departments of the Confederate States of America, and for other purposes;

which was read a first and second time, ordered to be placed on the Calendar, and to be printed.

Mr. Toombs, from the Committee on Finance, also reported

A bill to be entitled "An act to fix the pay and mileage of members of Congress;"

which was read a first and second time, ordered to be placed on the Calendar, and to be printed.

Mr. Memminger introduced

A bill to provide for the salaries of the judges of the Confederate States;

which, on motion of Mr. Shorter, was referred to the Committee on Judiciary.

Mr. Ochiltree laid before Congress a communication from certain commissioners on behalf of the committee of safety of the State of Texas; which was referred to the Committee on Military Affairs.

The hour of 3.30 o'clock p. m. having arrived, Congress took a recess, to reassemble at 7.30 p. m.

7.30 O'CLOCK P. M

The Congress proceeded to the consideration of a bill to be entitled  
An act for the establishment and organization of the Army of the Confederate States of America.

The first sentence of the thirteenth section thereof being reported as follows, to wit:

SEC. 13. The pay of a brigadier-general shall be three hundred and one dollars per month.

Mr. Barry moved to strike therefrom the words "three hundred and one" and insert in lieu thereof the words "two hundred and twenty-six;" which was lost.

The fourteenth section being read as follows:

SEC. 14. The monthly pay of the officers of the Corps of Engineers shall be as follows: of the colonel, two hundred and ten dollars; of a major, one hundred and sixty-two dollars; of a captain, one hundred and forty dollars; lieutenants serving with the company of sappers and miners shall receive the pay of cavalry officers of the same grade.

Mr. Toombs moved to strike therefrom the words:

lieutenants serving with the company of sappers and miners shall receive the pay of cavalry officers of the same grade;

which motion was lost.

The twentieth section being reported; which is as follows:

SEC. 20. The pay of officers, as hereinbefore established, shall be in full of all allowances, except forage, fuel, quarters, and traveling expenses, while traveling under orders. The allowance of forage, fuel, and quarters shall be fixed by regulations and shall be furnished in kind, except when officers are serving at stations without troops where public quarters can not be had, in which case they may be allowed, in lieu of forage, eight dollars per month for each horse to which they may be entitled, provided they are actually kept in service and mustered; and quarters may be commuted at a rate to be fixed by the Secretary of War, and fuel at the market price delivered. An officer when traveling under orders shall be allowed mileage at the rate of ten cents per mile.

Mr. Hill moved to strike therefrom the words as they occur, viz:

except when officers are serving at stations without troops where public quarters can not be had, in which case they may be allowed, in lieu of forage, eight dollars per month for each horse to which they may be entitled, provided they are actually kept

in service and mustered; and quarters may be commuted at a rate to be fixed by the Secretary of War, and fuel at the market price delivered,

And to insert in lieu thereof the words "and in no case shall a commutation for fuel, forage, and quarters be allowed;" which was lost.

The twenty-first section having been reported, the last sentence thereof being as follows:

No enlisted man in the service of the Confederate States shall be employed as a servant by any officer of the Army.

Mr. Hale moved to insert after the word "servant" the words "or required to perform menial services for such officer;" which motion to amend was lost.

The twenty-eighth section being as follows:

SEC. 28. Neither the Quartermaster-General, the Commissary-General, nor any or either of their assistants, shall be concerned, directly or indirectly, in the purchase or sale, for commercial purposes, of any articles intended for, making a part of, or appertaining to public supplies, except for and on account of the Confederate States; nor shall they, or either of them, take or apply to his or their own use any gain or emolument for negotiating any business in their respective departments, other than what is or may be allowed by law.

On motion of Mr. Reagan, the words "for commercial purposes," where and as they occur, were stricken out.

Mr. Toombs offered as an additional section to the bill, to come in after the twenty-eighth section, the following:

*Be it further enacted*, That the pay of officers provided for in the foregoing act, below and including the rank of colonel, be, and is hereby, reduced twenty per cent.

Pending discussion thereon,

On motion of Mr. Chesnut,

Congress adjourned till 10 o'clock Monday next.

MONDAY, MARCH 4, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered up by the Rev. Dr. Basil Manly.

Mr. Cobb offered the following resolution:

*Resolved*, That the members of the Alabama State convention be invited to seats in the Hall during the public sessions of Congress;

which was adopted.

Mr. Curry, on behalf of H. P. Oden, James G. L. Huey, and Andrew W. Bowie, presented to the President of Congress an inkstand made from Alabama marble.

Mr. Chilton presented to Congress a letter and drawings from Lieutenant Haines; which were referred to the Committee on Naval Affairs.

Mr. Chilton also presented to Congress a communication from Misses Rebecca C. Ferguson and Mollie A. D. Sinclair, pupils of the Tuskegee Female College, together with drawings as designs for a flag; which were referred to the Committee on Flag and Seal.

Mr. Cobb offered the following resolutions:

*Resolved*, That the mints at New Orleans and Dahlonga shall be continued, and the proper arrangements made as soon as possible to procure suitable dies for the coin of the Confederate States.



*Resolved*, That the Secretary of the Treasury be requested to estimate and report to Congress the lowest amount of appropriation necessary to carry out the above resolution;

which, on motion of Mr. Kenner, were referred to the Committee on Finance.

Mr. Hill laid before Congress a communication from "A lady of Darien, Ga.," relative to a flag; which was referred to the appropriate Committee on Flag.

There being no business on the Public Calendar,

Congress went into secret session; and after remaining some time therein, adjourned till 10 o'clock to-morrow.

#### SECRET SESSION.

Congress having gone into secret session,

Mr. Waul arose to a privileged question, viz, relative to the Delegates from Texas signing the Provisional Constitution.

On motion of Mr. Stephens, the Delegates from Texas were requested to sign the Constitution.

Mr. Miles, from the Committee on the Flag and Seal of the Confederacy, made the following report:

The committee appointed to select a proper flag for the Confederate States of America, beg leave to report:

That they have given this subject due consideration, and carefully inspected all the designs and models submitted to them. The number of these has been immense, but they all may be divided into two great classes.

First. Those which copy and preserve the principal features of the United States flag, with slight and unimportant modifications.

Secondly. Those which are very elaborate, complicated, or fantastical. The objection to the first class is, that none of them at any considerable distance could readily be distinguished from the one which they imitate. Whatever attachment may be felt, from association, for "the Stars and Stripes" (an attachment which your committee may be permitted to say they do not all share), it is manifest that in inaugurating a new government we can not with any propriety, or without encountering very obvious practical difficulties, retain the flag of the Government from which we have withdrawn. There is no propriety in retaining the ensign of a government which, in the opinion of the States composing this Confederacy, had become so oppressive and injurious to their interests as to require their separation from it. It is idle to talk of "keeping" the flag of the United States when we have voluntarily seceded from them. It is superfluous to dwell upon the practical difficulties which would flow from the fact of two distinct and probably hostile governments, both employing the same or very similar flags. It would be a political and military solecism. [It would produce endless confusion and mistakes. It would lead to perpetual disputes.<sup>a</sup>] As to "the glories of the old flag," we must bear in mind that the battles of the Revolution, about which our fondest and proudest memories cluster, were not fought beneath its folds. And although in more recent times—in the war of 1812 and in the war with Mexico—the South did win her fair share of glory, and shed her full measure of blood under its guidance and in its defense, we think the impartial page of history will preserve and commemorate the fact more imperishably than a mere piece of striped bunting. When the colonies achieved their independence of the "mother country" (which up to the last they fondly called her) they did not desire to retain the British flag or anything at all similar to it. Yet, under that flag they had been planted, and nurtured, and fostered. Under that flag they had fought in their infancy for their very existence against more than one determined foe; under it they had repelled and driven back the relentless savage, and carried it farther and farther into the decreasing wilderness as the standard of civilization and religion; under it the youthful Washington won his spurs in the memorable and unfortunate expedition of Braddock, and Americans helped to plant it on the heights of Abraham, where the immortal Wolfe fell, covered with glory, in the arms of victory. But our forefathers, when they separated themselves from Great Britain—

<sup>a</sup>Not in Journal, but contained in original report on file in the War Department.

a separation not on account of their hatred of the English constitution or of English institutions, but in consequence of the tyrannical and unconstitutional rule of Lord North's administration, and because their destiny beckoned them on to independent expansion and achievement—cast no lingering, regretful looks behind. They were proud of their race and lineage, proud of their heritage in the glories and genius and language of old England, but they were influenced by the spirit of the motto of the great Hampden, "*Vestigia nulla retrorsum*." They were determined to build up a new power among the nations of the world. They therefore did not attempt "to keep the old flag." We think it good to imitate them in this comparatively little matter as well as to emulate them in greater and more important ones.

The committee, in examining the representations of the flags of all countries, found that Liberia and the Sandwich Islands had flags so similar to that of the United States that it seemed to them an additional, if not in itself a conclusive, reason why we should not "keep," copy, or imitate it. They felt no inclination to borrow, at second hand, what had been pilfered and appropriated by a free negro community and a race of savages. It must be admitted, however, that something was conceded by the committee to what seemed so strong and earnest a desire to retain at least a suggestion of the old "Stars and Stripes." So much for the mass of models and designs more or less copied from, or assimilated to, the United States flag.

With reference to the second class of designs—those of an elaborate and complicated character (but many of them showing considerable artistic skill and taste)—the committee will merely remark, that however pretty they may be, when made up by the cunning skill of a fair lady's fingers in silk, satin, and embroidery, they are not appropriate as flags. A flag should be simple, readily made, and, above all, capable of being made up in bunting. It should be different from the flag of any other country, place, or people. It should be significant. It should be readily distinguishable at a distance. The colors should be well contrasted and durable, and, lastly, and not the least important point, it should be effective and handsome.

The committee humbly think that the flag which they submit combines these requisites. It is very easy to make. It is entirely different from any national flag. The three colors of which it is composed—red, white, and blue—are the true republican colors. In heraldry they are emblematic of the three great virtues—of valor, purity, and truth. Naval men assure us that it can be recognized and distinguished at a great distance. The colors contrast admirably and are lasting. In effect and appearance it must speak for itself.

Your committee, therefore, recommend that the flag of the Confederate States of America shall consist of a red field with a white space extending horizontally through the center, and equal in width to one-third the width of the flag. The red spaces above and below to be of the same width as the white. The union blue extending down through the white space and stopping at the lower, red space. In the center of the union a circle of white stars corresponding in number with the States in the Confederacy. If adopted, long may it wave over a brave, a free, and a virtuous people. May the career of the Confederacy, whose duty it will then be to support and defend it, be such as to endear it to our children's children, as the flag of a loved, because a just and benign, government, and the cherished symbol of its valor, purity, and truth.

Respectfully submitted.

WM. PORCHER MILES,  
*Chairman.*

Mr. Withers moved that the whole of the report from the Committee on the Flag be entered upon the Journal.

It was so ordered.

Mr. Kenner, from the Committee on Finance, reported a bill to be entitled

An act to repeal so much of the laws of the Confederate States of America as prohibit the introduction of liquors except in casks or vessels of or above certain-named capacity, and for other purposes; which was read a first and second time and ordered to be engrossed for a third reading.

The bill was then read a third time and passed.

Mr. Bartow moved that Congress take a recess from 3.30 o'clock p. m. till 7 o'clock p. m.; which was agreed to.

Mr. Wilson, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution in relation to patents and caveats.

Mr. Clayton offered the following resolution:

*Resolved*, That hereafter the Congress will daily, as soon as the morning business is disposed of, resolve itself into a convention to consider the Constitution of the Confederate States of America;

which was agreed to.

Mr. Stephens, from the Committee on Rules, reported and recommended the adoption of the following resolution; which had been referred to the committee, to wit:

*Resolved*, That the heads of Departments be admitted to the floor of Congress both in secret and open session.

The resolution was taken up and adopted, and on motion of Mr. Stephens the injunction of secrecy thereon was ordered to be removed.

A message was received from the President that he had approved and signed

A resolution in relation to patents and caveats,

And on motion of Mr. Brooke the injunction of secrecy thereon was ordered to be removed.

Congress resumed the unfinished business of the day previous, it being the consideration of

A bill to be entitled "An act for the establishment and organization of the Army of the Confederate States of America."

Mr. Boyce offered the following resolution:

*Resolved*, That the bill to organize a military force be recommitted, with instructions to the committee to report a bill providing:

1. For a regiment of regulars to garrison the forts in the Confederate States.
2. For a regiment of rangers to protect the western borders of Texas from the Indians.
3. A military school for the training of officers in the science of war.
4. The organization of a volunteer force of one hundred thousand men to be ready for immediate service in case of war.
5. The purchase of powder, ordnance, and weapons of the best kind, in quantities to arm said volunteer force, said arms not to be distributed until actually needed in war;

which was lost.

The question recurring on the amendment offered by Mr. Toombs, the same was also lost.

The twenty-ninth section being as follows, to wit:

SEC. 29. The Rules and Articles of War established by the laws of the United States of America for the government of the Army are hereby declared to be of force, except that wherever the words "United States" occur the words "Confederate States" shall be substituted therefor; and the same change shall be made in all other laws relating to the Army which remain of force. And all laws or parts of laws of the United States, which have been adopted by the Congress of the Confederate States, repugnant to or inconsistent with this act, are hereby repealed.

Mr. Bartow moved to amend the same by inserting after the word "therefor," where it first occurs, the following:

and except that the articles of war numbers sixty-one and sixty-two are hereby abrogated, and the following articles substituted therefor:

61. Officers having brevets or commissions of a prior date to those of the corps in which they serve will take place in courts-martial or of inquiry, and on boards detailed for military purposes, when composed of different corps, according to the ranks given them in their brevet or former commissions; but in the regiment, corps, or company to which such officers belong, they shall do duty and take rank, both in courts and on boards as aforesaid, which shall be composed of their own corps, according to the commissions by which they are there mustered.

62. If upon marches, guards, or in quarters, different corps shall happen to join or do duty together, the officer highest in rank, according to the commission by which



he is mustered in the Army, Navy, Marine Corps, or Militia, there on duty by orders from competent authority, shall command the whole and give orders for what is needful for the service, unless otherwise directed by the President of the Confederate States in orders of special assignment providing for the case;

which motion to amend was agreed to.

On motion of Mr. Bartow, the section was further amended by striking out the following words: "and the same change shall be made in all other laws relating to the Army which remain in force."

On motion of Mr. Bartow, the following words were stricken from the same section and constituted the thirty-first section, to wit:

And all laws or parts of laws of the United States, which have been adopted by the Congress of the Confederate States, repugnant to or inconsistent with this act, are hereby repealed.

The twenty-ninth section of the bill as amended is as follows:

SEC. 29. The Rules and Articles of War established by the laws of the United States of America for the government of the Army are hereby declared to be of force, except that wherever the words "United States" occur the words "Confederate States" shall be substituted therefor; and except that the articles of war numbers sixty-one and sixty-two are hereby abrogated, and the following articles substituted therefor:

61. Officers having brevets or commissions of a prior date to those of the corps in which they serve will take place in courts-martial or of inquiry, and on boards detailed for military purposes, when composed of different corps, according to the ranks given them in their brevet or former commissions; but in the regiment, corps, or company to which such officers belong, they shall do duty and take rank, both in courts and on boards as aforesaid, which shall be composed of their own corps, according to the commissions by which they are there mustered.

62. If upon marches, guards, or in quarters, different corps shall happen to join or do duty together, the officer highest in rank, according to the commission by which he is mustered in the Army, Navy, Marine Corps, or Militia, there on duty by orders from competent authority, shall command the whole and give orders for what is needful for the service, unless otherwise directed by the President of the Confederate States in orders of special assignment providing for the case.

On motion of Mr. Bartow, the eighteenth section was then amended by altering the second sentence of the same; which reads as follows, viz:

The Surgeon-General shall receive an annual salary of three thousand dollars, which shall be in full of all pay and allowances, except fuel and quarters,

So that, amended, it would read: "The monthly pay and allowances of the Surgeon-General shall be the same as those of the colonel of cavalry."

On motion of Mr. Bartow, the nineteenth section was amended by striking out the following words, to wit:

to every officer commanding in chief a separate army actually in the field, one hundred dollars; to every officer commanding a military geographical department, seventy-five dollars; to field officers of regiments in command of permanent or fixed post, garrisoned by troops, fifty dollars; and to all other officers commanding in like manner, twenty-five dollars.

The twenty-first section being as follows, to wit:

SEC. 21. In time of war, officers of the Army shall be entitled to draw forage for horses, according to grade, as follows: A brigadier-general, five; the adjutant and inspector general, quartermaster-general, commissary-general, and the colonels of engineers, artillery, infantry, and cavalry, four each; all lieutenant-colonels and majors, and captains of the general staff, engineer corps, light artillery and cavalry, three each; lieutenants serving in the corps of engineers, lieutenants of light artillery and of cavalry, two each. In time of peace, general and field officers, three; officers below the rank of field officers, in the general staff, corps of engineers, light artillery and cavalry, two: *Provided*, That in all cases the horses are actually kept in service and mustered. No enlisted man in the service of the Confederate States shall be employed as a servant by any officer of the Army.



On motion of Mr. Bartow, the same was amended by striking out in the words "A brigadier-general, five," the word "five" and inserting in lieu thereof the word "four," and by striking out in the words "infantry and cavalry, four," the word "four" and inserting in lieu thereof the word "three."

On motion of Mr. Bartow, the twenty-second section was amended by making the monthly pay of "sergeants" "seventeen" instead of "eighteen" dollars, and the monthly pay of blacksmiths "thirteen" instead of "fourteen" dollars.

On motion of Mr. Kenner, the bill was amended by adding the following as an additional section, to be the thirtieth section, to wit:

That the President shall call into the service of the Confederate States only so many of the troops herein provided for as he may deem the safety of the Confederacy may require.

The bill was then engrossed, read a third time, and passed.

On motion of Mr. Bartow, the regular order was suspended, and the Congress proceeded to the consideration of the bill to provide for the public defense; which was ordered to be engrossed, and the same having been done, the bill was read the third time and passed.

Mr. Toombs offered the following resolution:

*Resolved*, That the President be, and he is hereby, authorized to send a commissioner from this Government to the convention of the State of Arkansas to consult touching matters concerning their mutual interests;

which was read the first and second times, engrossed, read a third time, and agreed to under the following title:

A resolution to authorize the President to send a commissioner to the convention of the State of Arkansas.

Mr. Toombs also offered the following resolution:

*Resolved*, That the President be, and he is hereby, authorized to send a suitable person as special agent of this Government to the Indian tribes west of the State of Arkansas;

which was read the first and second times, engrossed, read a third time, and agreed to.

Mr. Owens was excused from further service on Committee on Accounts, and the President appointed Mr. Gregg to fill the vacancy.

On motion of Mr. Withers,

The Congress adjourned until 10 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session,

On motion of Mr. Conrad, the Congress resumed the consideration of the reports of the majority and minority of the Committee on Naval Affairs on the nomination by the President of S. R. Mallory to be Secretary of the Navy.

After some [time] spent in discussion, Mr. Keitt demanded the question; which demand was not sustained.

Mr. Chesnut moved that the nomination be recommitted to the Committee on Naval Affairs; which motion was lost on a vote by States, as follows:

Yea: Florida and Louisiana, 2.

Nay: Alabama, Georgia, Mississippi, South Carolina, and Texas, 5.

The question then being,

Will the Congress advise and consent to the nomination of S. R. Mallory to be Secretary of the Navy?

It was decided in the affirmative on a vote by States, as follows:

Yea: Alabama, Georgia, Louisiana, Mississippi, and South Carolina, 5.

Nay: Florida and Texas, 2.

The yeas and nays were demanded by the State of Florida, and are as follows:

From Alabama—Yea: Messrs. Walker, Smith, Curry, Hale, McRae, Shorter, Lewis, and Fearn. Nay: Mr. Chilton.

From Florida—Yea: Mr. Anderson. Nay: Messrs. Morton and Owens.

From Georgia—Yea: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Thomas R. Cobb, and Stephens. Absent: Messrs. Crawford, Wright, and Kenan.

From Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, and Sparrow. Nay: Mr. Marshall. Absent: Mr. Perkins.

From Mississippi—Yea: Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison. Absent: Mr. Campbell.

From South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

From Texas—Yea: Messrs. Reagan and Gregg. Nay: Messrs. Waul, Oldham, and Ochiltree. Absent: Messrs. Wigfall and Hemphill.

*Ordered.* That the injunction of secrecy be removed from the fact of the confirmation of the nomination of S. R. Mallory as aforesaid.

There being no further executive business, the Congress resumed the consideration of the business upon the Calendar.

TUESDAY, MARCH 5, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Mitchell.

The Journal of yesterday was read and approved.

The Chair laid before Congress a communication relative to patents; which was referred to the Committee on Patents.

Mr. Nisbet presented to Congress a letter on the subject of postage; which was referred to the Committee on Postal Affairs.

Mr. Nisbet also laid before Congress a communication from Isaac Scott relative to railroad transportation; which was referred to the Committee on Commercial Affairs.

Mr. Ochiltree offered the following resolution:

*Resolved,* That the Committee on Foreign Affairs take into consideration the expediency of sending to central Europe a consular representative, and that said committee report at its earliest convenience;

which, on motion of Mr. Ochiltree, was referred to the Committee on Foreign Affairs.

Mr. Waul presented a letter from John Hemphill concerning a light-ship; which was referred to the Committee on Commercial Affairs.

Mr. Curry, from the Committee on Commercial Affairs, reported

A bill to establish and organize a light-house bureau; which was read the first and second times, ordered to be placed on the Calendar, and to be printed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to repeal so much of the laws of the Confederate States of America as prohibit the introduction of liquors, except in casks or vessels of or above certain-named capacity, and for other purposes.

Mr. De Clouet, from the Committee on Commercial Affairs, to which was referred the memorial of the citizens of Montgomery to establish Montgomery a port of entry, reported adversely to the memorial; and, on motion of Mr. De Clouet, the Committee were relieved from its further consideration.

Mr. De Clouet, from the Committee on Commercial Affairs, reported

A bill to be entitled "An act to provide for the registration of vessels owned in whole or in part by citizens of the Confederate States;" which was taken up, read a first and second time,

The bill being as follows:

*The Confederate States of America do enact*, That all vessels, wherever built, one or more of which shall be owned by a citizen or citizens of the Confederate States, and commanded by a citizen thereof, shall be registered as a vessel of the Confederacy at the custom-houses thereof: *Provided*, That a majority in interest of the owners shall consent to such registration, and such vessels be not registered elsewhere.

On motion of Mr. Miles, the blank was filled by the insertion of the words "one-fourth."

The bill as amended was then ordered to be engrossed for a third reading.

The bill was then read a third time and passed.

There being no business on the Public Calendar,

Congress went into secret session; and after remaining some time therein, adjourned till 10 o'clock to-morrow.

#### SECRET SESSION.

Congress having gone into secret session,

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for the public defense;

A resolution to authorize the President to send an agent to certain Indian tribes;

A resolution to authorize the President to send a commissioner to the convention of the State of Arkansas; and

An act to provide for the registration of vessels owned in whole or in part by citizens of the Confederate States.

A message was received from the President that he had approved and signed

A resolution to authorize the President to send an agent to certain Indian tribes;

A resolution to authorize the President to send a commissioner to the State of Arkansas; and

An act to repeal so much of the laws of the Confederate States of America as prohibit the introduction of liquors, except in casks or vessels of or above certain-named capacity, and for other purposes.

The following message was also received from the President:

EXECUTIVE OFFICE,  
Montgomery, Ala., March 5, 1861.

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: Herewith I have the honor to transmit the estimate of the Secretary of War of the amount required for the support of the Army of the Confederate States; also of that requisite for the support of a portion of the provisional army authorized to be raised.

The estimate, it will be observed, is for the authorized strength of the army, and as a large portion of that force will probably not be enlisted or commissioned, there will be a balance of appropriation, which, if permitted, might be used to support additional troops of a provisional army, a character of force which may be more speedily raised and on which we must in any early necessity expect mainly to rely.

JEFFERSON DAVIS.

The message and the estimates of the Secretary of War to which it refers were referred to the Committee on Finance.

Mr. Cobb moved that Congress take a recess from 3.30 o'clock p. m. to 7.30 p. m.; which was agreed to.

On motion of Mr. Kenner, the injunction of secrecy was removed from

An act to repeal so much of the laws of the Confederate States of America as prohibit the introduction of liquors, except in casks or vessels of or above certain-named capacity, and for other purposes.

On motion of Mr. Bartow, the vote by which the bill entitled "An act to provide for the public defense" was passed was reconsidered.

On motion of Mr. Bartow, the vote by which the bill was ordered to be engrossed was also reconsidered.

The seventh section of the bill being as follows:

SEC. 7. *And be it further enacted*, That whenever the militia or volunteers are called and received into the service of the Confederate States under the provisions of this Act they shall have the same organization and shall have the same pay and allowances as may be provided for the Regular Army; and all mounted noncommissioned officers, privates, musicians, and artificers shall be allowed forty cents per day for the use and risk of their horses, except of horses actually killed in action; and if any mounted volunteer shall not keep himself provided with a serviceable horse, such volunteer shall serve on foot.

On motion of Mr. Bartow, the following words were stricken therefrom, to wit:

forty cents per day for the use and risk of their horses, except of horses actually killed in action; and if any mounted volunteer shall not keep himself provided with a serviceable horse, such volunteer shall serve on foot,

And insert in lieu thereof the following:

forty cents per day for the use and risk of their horses; and if any volunteer shall not keep himself provided with a serviceable horse, such volunteer shall serve on foot. For horses killed in action, volunteers shall be allowed compensation according to their appraised value at the date of muster into service.

The section as amended is as follows:

SEC. 7. *And be it further enacted*, That whenever the militia or volunteers are called and received into the service of the Confederate States, under the provisions of this act, they shall have the same organization, and shall have the same pay and allowances as may be provided for the Regular Army; and all mounted noncommissioned officers, privates, musicians, and artificers shall be allowed forty cents per day for the use and risk of their horses; and if any volunteer shall not keep himself provided with a serviceable horse, such volunteer shall serve on foot. For horses killed in action, volunteers shall be allowed compensation according to their appraised value at the date of muster into service.



The bill, as amended, was then ordered to be engrossed for a third reading; which having been done, the bill was read a third time and passed.

On motion of Mr. Hale,

Congress adjourned till 10 o'clock to-morrow.

### WEDNESDAY, MARCH 6, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Rolls.

The Journal of yesterday was read and approved.

Mr. Curry offered the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of prohibiting the importation of slaves from the United States into the Confederate States, except by persons emigrating thereto for purposes of actual settlement and residence;

which was adopted.

Congress proceeded to the consideration of the regular order, it being

A bill to establish and organize a bureau in connection with the Department of the Treasury, to be known as the light-house bureau.

The first section being reported, on motion of Mr. Curry the words "or commander" were inserted after the word "captain," where it first occurs.

On motion of Mr. Curry, the section was further amended by striking out the word "fifteen," where it occurs, and inserting in lieu thereof the word "twelve."

The first section, as amended, is as follows:

SECTION 1. *The Congress of the Confederate States do enact*, That there shall be established in connection with the Department of the Treasury a bureau, to be known as the light-house bureau. The chief officer of such bureau shall be a captain or commander of the Navy, detailed for this service by order of the President of the Confederate States, who shall receive as his compensation the same pay allowed to officers of the same rank in the Navy. There shall be appointed also a chief clerk, with a salary of twelve hundred dollars, and an accounting clerk, with a salary of one thousand dollars.

Mr. Curry moved that the following be added as the sixth and last section, to wit:

SEC. 6. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby, repealed;

which was agreed to.

The bill, as amended, was then ordered to be engrossed for a third reading; which having been done, the bill was read a third time and passed.

Mr. Miles presented a memorial from the "Swedish Iron Manufacturing Company," of South Carolina; which was referred to the Committee on Military Affairs.

There being no further business on the Public Calendar, Congress went into secret session; and after spending some time therein, adjourned till 10 o'clock to-morrow.

## SECRET SESSION.

Congress having gone into secret session,  
The Journal of yesterday was read and approved.

On motion of Mr. Kenner, it was agreed that Congress take a recess from 4 o'clock p. m. till 7.30 o'clock p. m.

Mr. Toombs, from the Committee on Finance, reported

A bill to authorize the issue of Treasury notes;  
which was read a first and second time and ordered to be placed on the Calendar and to be printed.

A message was received from the President that he had approved and signed

An act to provide for the registration of vessels owned in whole or in part by citizens of the Confederate States.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to establish and organize a bureau in connection with the Department of the Treasury, to be known as the light-house bureau;

An act to provide for the public defense; and

An act for the establishment and organization of the Army of the Confederate States of America.

A message was received from the President that he had also approved and signed

An act to provide for the public defense; and

An act to establish and organize a bureau in connection with the Department of the Treasury, to be known as the Light-House Bureau.

Mr. Stephens offered the following resolution:

*Resolved*, That the standing committees of this body on Commercial Affairs, on the Judiciary, on Military Affairs, on Postal Affairs, on Naval Affairs, on Indian Affairs, and on Territories shall consist of six members, and the President be authorized to fill them to this number;

which was agreed to; and

In pursuance thereof the Chair made the following appointments:

On Commercial Affairs, Mr. Maul; Judiciary, Mr. Oldham; Military Affairs, Mr. Gregg; Postal Affairs, Mr. Ochiltree; Naval Affairs, Mr. Oldham; Indian Affairs, Mr. Maul; and Territories, Mr. Ochiltree.

Mr. Marshall, from the Committee on Public Lands, made the following report:

The Committee on Public Lands, to which was referred the resolution instructing it to inquire into the present condition of the public lands lying within the limits of the Confederate States, and also into the expediency of disclaiming, by the Confederate States, all title or right to the same in favor of the States, respectively, in which any public lands may be situated, beg leave to report:

That the public lands of the United States of America lying in the States of Louisiana and Mississippi have been vested in those States by ordinances passed by their respective State conventions; and that the Committee on Public Lands of the convention of Alabama have recommended to that body the passage of a like ordinance. From the best information they can obtain, the committee are of opinion that those lands are not very valuable, and that but little if any net revenue could be derived from the sale or disposition of them under the administration of this Confederacy, and they, therefore, recommend the adoption of the following resolution:

A resolution in relation to the public lands.

*Resolved*, That Congress disclaim and relinquish any right or title on the part of these Confederate States to the public lands lying in any of the States of this Confederacy.

On motion of Mr. Stephens, the resolution was ordered to be placed on the Calendar.

Congress proceeded to the consideration of

A bill to create the clerical force of the several Executive Departments of the Confederate States of America, and for other purposes,

The first sentence of the fourth clause being as follows:

To the War Department there shall be a chief of the Bureau of War, at an annual salary of three thousand dollars, and five clerks, who shall each receive twelve hundred dollars per annum.

On motion of Mr. Memminger the same was amended by adding thereto the following:

and one of them may be appointed disbursing clerk, with an additional salary of six hundred dollars, who shall give bond with sureties, to be approved by the Secretary of War.

The following clause having been read, to wit:

To the Post-Office Department there shall be a chief clerk, at a salary of fifteen hundred dollars per annum, and ten other clerks, five of whom shall receive salaries each of twelve hundred dollars, and five shall receive salaries each of one thousand dollars per annum. And there shall be one messenger, at an annual salary of five hundred dollars.

On motion of Mr. Stephens, the same was amended by inserting after the words "there shall be," where they first occur, the words "an assistant postmaster-general, at a salary of three thousand dollars, and."

The clause following being read, to wit:

To the Department of Justice there shall be a chief clerk, at a salary of fifteen hundred dollars per annum, and three other clerks, whose annual salaries shall be each twelve hundred dollars, and also a messenger at a salary of five hundred dollars per annum.

Mr. Sparrow moved to amend the same by striking out the words "a chief clerk," where they first occur, and inserting in lieu thereof the words "an assistant attorney-general," and to strike out the words "fifteen hundred" and to insert in lieu thereof the words "three thousand," and to strike out the words "three other clerks" and to insert the words "one clerk," and to strike out the word "each."

Mr. Nisbet moved to amend the amendment of Mr. Sparrow by striking out the words "three thousand" and inserting in lieu thereof the words "two thousand;" which was lost.

Mr. Withers moved to strike out the words "three thousand" and to insert in lieu thereof the words "twenty-five hundred;" which was agreed to.

The amendment offered by Mr. Sparrow, as amended, was agreed to, and the clause as amended is as follows:

To the Department of Justice there shall be an assistant attorney-general, at a salary of twenty-five hundred dollars per annum, and one other clerk, whose annual salary shall be twelve hundred dollars, and also a messenger, at a salary of five hundred dollars per annum.

The second section being as follows:

SEC. 2. The annual salaries of the Assistant Secretary of State, the Assistant Secretary of the Treasury, the Comptroller, the Auditor, the Register, and the Treasurer shall each be the sum of three thousand dollars per annum.

Mr. Curry moved to amend by striking out the same and inserting in lieu thereof the following:

The annual salaries of the Assistant Secretary of State, the Assistant Secretary of the Treasury, shall be each the sum of three thousand dollars; the Comptroller,

the Auditor, the Register, and the Treasurer shall each be the sum of twenty-five hundred dollars per annum;

which motion was lost.

The third section being reported as follows:

The President of the Confederate States of America is hereby authorized to appoint or employ in his official household the following officers, to wit: One private secretary at an annual salary of twelve hundred dollars, and one messenger at an annual salary of five hundred dollars.

Mr. Withers moved to strike out the same; which was lost.

The bill as amended was ordered to be engrossed for a third reading; which having been done, the bill was read a third time and passed.

Mr. Cobb moved that Congress go into convention for the purpose of considering the Constitution of the Confederate States of America; which was lost, the States voting as follows:

Yea: Alabama and Georgia.

Nay: Louisiana, Mississippi, South Carolina, and Texas.

Florida divided.

Mr. Brooke moved that Congress proceed to the consideration of

A bill to be entitled "An act to establish a patent office and to provide for the granting and issuance of patents for new and useful discoveries, inventions, and improvements;" which was lost.

On motion of Mr. Sparrow,

Congress adjourned till 10 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

EXECUTIVE DEPARTMENT, *March 6, 1861.*

Hon. HOWELL COBB,

*President of the Congress.*

SIR: I hereby transmit for the advice and consent of the Congress the nomination of Edward C. Elmore, of Alabama, to be Treasurer of the Confederate States of America.

JEFFERSON DAVIS.

And the question being,

Will Congress advise and consent to the said nomination?

It was unanimously decided in the affirmative.

So the Congress does advise and consent that Edward C. Elmore, of Alabama, be Treasurer of the Confederate States of America.

The following communication was also received from the President:

EXECUTIVE DEPARTMENT, *March 6, 1861.*

Hon. HOWELL COBB,

*President of the Congress.*

SIR: I hereby nominate for the advice and consent of the Congress, John H. Reagan, of Texas, to be Postmaster-General of the Confederate States of America.

JEFFERSON DAVIS.

And the question being,

Will Congress advise and consent to the said nomination?

It was unanimously decided in the affirmative.

So the Congress does advise and consent that John H. Reagan, of Texas, be Postmaster-General of the Confederate States of America.

There being no further executive business, Congress resumed the consideration of the business upon the Calendar.



THURSDAY, MARCH 7, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Heard.

The Journal of yesterday was read and approved.

Mr. Cobb offered the following :

Whereas Great Britain, France, Prussia, Saxony, and other European powers have passed laws to secure to authors of other States the benefits and privileges of their copyright laws, upon condition of similar privileges being granted by the laws of such States to authors, the subjects of the powers aforesaid: Therefore, be it

*Resolved by the Congress of the Confederate States*, That the President be, and he is hereby, authorized to instruct the commissioners appointed by him to visit the European powers, to enter into treaty obligations for the extension of international copyright privileges to all authors, the citizens and subjects of the powers aforesaid;

which was read a first and second time and ordered to be engrossed for a third reading.

The resolution, having been read a third time, was adopted.

Mr. Clayton, from the Committee on Judiciary, to whom was referred the bill to define the jurisdiction of the Federal courts in certain cases, reported the same back.

The bill was ordered to be placed on the Calendar and to be printed.

There being no business on the Public Calendar,

Congress went into secret session; and after remaining some time therein, adjourned till 10 o'clock to-morrow.

## SECRET SESSION.

Congress having gone into secret session,

The Journal of yesterday was read and approved.

On motion of Mr. Shorter, the regular orders were postponed and Congress proceeded to the consideration of

A resolution in relation to the public lands.

On motion of Mr. Shorter, the resolution was amended by striking out the word "Congress" and inserting in lieu thereof the words "Confederate States."

Mr. Withers offered the following as a substitute:

*Resolved*, That the Confederate States of America do not design to take charge of the public ungranted lands situate within the limits of any of the Confederate States, not intending to include herein such lands as have been ceded to the United States of America or reserved by them for forts, arsenals, navy-yards, light-houses, and custom-houses, or other public establishments.

Mr. Brooke moved to refer the report of the committee, together with the substitute offered by Mr. Withers, to the Committee on Judiciary, and thereon demanded the question.

The question was not seconded.

After further discussion, on motion of Mr. Shorter, the original resolution and substitute were referred to the Committee on Judiciary.

Mr. Morton presented to Congress a copy of

An act passed by the legislature of Florida; which was referred to the Committee on Finance.

Mr. Miles offered the following resolution:

*Resolved*, That all models or designs for a flag of the Confederate States, which have been referred to the Committee on the Flag, be placed in the custody of the clerk of

Congress, who shall return them to the several authors or contributors, at their own expense, whenever they shall apply for the same;

which was agreed to, and the injunction of secrecy thereon was ordered to be removed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution in relation to international copyrights.

A message was received from the President that he had approved and signed

An act for the establishment and organization of the Army of the Confederate States of America;

An act to create the clerical force of the several Executive Departments of the Confederate States of America, and for other purposes; and

A resolution in relation to international copyrights.

On motion of Mr. Withers,

Congress adjourned till 10 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

EXECUTIVE DEPARTMENT, *Montgomery, March 7, 1861.*

Hon. HOWELL COBB,

*President of the Congress.*

SIR: I hereby transmit for the advice and consent of the Congress the nomination of Braxton Bragg, of Louisiana, to be brigadier-general in the Provisional Army of the Confederate States, under section 4 of the "act to raise provisional forces for the Confederate States of America, and for other purposes," approved February 28, 1861.

JEFFERSON DAVIS.

And the question being,

Will Congress advise and consent to the said nomination?

It was unanimously decided in the affirmative.

So the Congress does advise and consent that Braxton Bragg, of Louisiana, be brigadier-general in the Provisional Army of the Confederate States of America.

The following communication was also received from the President:

EXECUTIVE DEPARTMENT, *Montgomery, March 7, 1861.*

Hon. HOWELL COBB,

*President of the Congress.*

SIR: I hereby transmit for the advice and consent of the Congress the nomination of William J. Hardee, of Georgia, to be colonel of the First Regiment of Infantry in the Army of the Confederate States of America.

JEFFERSON DAVIS.

And the question being,

Will Congress advise and consent to the said nomination?

It was unanimously decided in the affirmative.

So the Congress does advise and consent that William J. Hardee, of Georgia, be colonel of the First Regiment of Infantry in the Army of the Confederate States of America.

Mr. Rhett, from the Committee on Foreign Affairs, made the following report:

The Committee on Foreign Affairs, to whom was referred the nominations of commissioners to the European powers, respectfully report: That they recommend that the Congress advise and consent to the appointment by the President of A. Dudley Mann as one of the commissioners on said mission.

The report was unanimously concurred in.

So the Congress does advise and consent that A. Dudley Mann be a commissioner to the European powers under the resolution of Congress passed February 13, 1861.

There being no further executive business, Congress resumed the consideration of the business upon the Calendar.

FRIDAY, MARCH 8, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Pellicer.

The Journal of yesterday was read and approved.

Mr. Wright presented a letter from Wesley Miller; which was referred to the Committee on Military Affairs.

Mr. Clayton, from the Committee on Judiciary, reported a bill to be entitled

An act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida; which was read a first and second time and ordered to be placed on the Calendar and to be printed.

Mr. Sparrow offered the following resolution:

*Resolved*, That the Committee on Commerce be instructed to inquire and report the present condition of the custom-house in New Orleans, and what repairs, if any, are immediately necessary to preserve the same from damage, and also to report a bill providing accommodation for the Federal courts in said city, and for the preservation of the records thereof;

which was adopted.

Mr. Conrad presented a letter from Alexander Walker relative to providing for the safety of passengers on boats propelled by steam; which was referred to the Committee on Commercial Affairs.

The regular orders on the Public Calendar were postponed for the time and Congress went into secret session; and after remaining some time therein, adjourned till 10 o'clock to-morrow.

SECRET SESSION.

Congress having gone into secret session,

The Journal of yesterday was read and approved.

Mr. Anderson laid before Congress a resolution of the convention of Florida; which was ordered to be spread on the Journal, and is as follows:

*Resolved*, That we heartily and cheerfully indorse and confirm the action of our Delegates in the Southern Congress at Montgomery, Ala., as reported to us by one of said Delegates.

Passed in convention, February 27, 1861.

W. S. HARRIS,  
*Secretary of the Convention.*

Mr. Barnwell, from the Committee on Finance, reported

A bill to create the clerical force of the Navy Department; which was read a first and second time and ordered to be engrossed for a third reading.

The bill was then read a third time and passed.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to be entitled "An act to provide for the organization of the Navy;" which was read a first and second time and ordered to be placed on the Calendar and to be printed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to create the clerical force of the Navy Department.

A message was received from the President that he had approved and signed

An act to create the clerical force of the Navy Department.

The Chair laid before the Congress the following communication, viz:

MONTGOMERY, ALA., March 8, 1861.

HON. HOWELL COBB,

*President of the Congress of the Confederate States of America.*

SIR: I have been instructed by the State convention of Alabama to communicate, through you, to the body over which you preside, the inclosed resolution.

With the highest respect, I am your obedient servant,

JOHN COCHRAN.

The following is the resolution inclosed in said communication:

*Resolved*, That the members of the Congress of the Confederate States of America be invited to seats in the hall of this convention in secret and open session.

Attest:

A. G. HORN, *Secretary*.

Mr. Chilton, from the Committee on Postal Affairs, reported

A bill to organize the Post-Office Department; which was read a first and second time and, on motion of Mr. Barnwell, was referred to the Committee on Finance.

Congress proceeded to the consideration of a bill to be entitled

An act to authorize the issue of Treasury notes.

The sixth section being as follows:

SEC. 6. *And be it further enacted*, That said Treasury notes shall be received by the proper officers in payment of all duties and taxes laid by the authority of the Confederate States of America, of all public lands sold by said authority, and of all debts to the Confederate States of America, of any character whatever, which may be due and payable at the time when said Treasury notes may be offered in payment thereof; and upon every such payment credit shall be given for the amount of principal and interest, if any, due on the note or notes received in payment on the day when the same shall have been received by such officer.

Mr. Toombs moved to amend the same by inserting after the words "be offered in payment thereof" the words "except the export duty on cotton;" which was agreed to, and the section as amended is as follows:

SEC. 6. *And be it further enacted*, That said Treasury notes shall be received by the proper officers in payment of all duties and taxes laid by the authority of the Confederate States of America, of all public lands sold by said authority, and of all debts to the Confederate States of America, of any character whatever, which may be due and payable at the time when said Treasury notes may be offered in payment thereof, except the export duty on cotton; and upon every such payment credit shall be given for the amount of principal and interest, if any, due on the note or notes received in payment on the day when the same shall have been received by such officer.

Mr. Memminger moved to amend the title of the bill so as to make it read as follows:

A bill to authorize the issue of Treasury notes, and to prescribe the punishment for forging the same, and for forging certificates of stock, bonds, or coupons; which was agreed to.



Mr. Bartow, from the Committee on Military Affairs, reported

A bill to be entitled "An act making appropriations for the support of 3,000 men for twelve months, to be called into service at Charleston, S. C., under the third and fourth sections of an act of Congress 'to raise provisional forces for the Confederate States of America, and for other purposes;'"

which was referred to the Committee on Finance.

Mr. Bartow also reported

A bill to be entitled "An act making appropriations for the support of the Regular Army of the Confederate States of America for twelve months, and for other purposes;"

which was also referred to the Committee on Finance.

Congress then took up for consideration

A bill to be entitled "An act to fix the compensation and mileage of members of Congress."

The bill being as follows:

*The Congress of the Confederate States of America do enact*, That the pay of members of Congress shall be eight dollars per day during the session, and that each member shall be allowed ten cents per mile for coming to and ten cents per mile for returning from the place where Congress may assemble for each session, to be computed by the nearest mail route from his residence to the seat of government.

Mr. Hill moved to amend the same by striking out the words "eight dollars per day during the session;" which was lost.

Mr. Withers moved to amend by striking out the words "eight dollars" and inserting in lieu thereof the words "five dollars;" which was lost.

Mr. Waul moved to amend the same by striking out the words "ten cents per mile," where they occur, and inserting in lieu thereof the words "twenty cents per mile;" which was also lost, the States voting as follows:

Yea: Texas.

Nay: Alabama, Florida, Georgia, Mississippi, and South Carolina.  
Louisiana divided.

Mr. Toombs moved to add an additional section to the bill, as follows:

SEC. 2. *Be it further enacted*, That the pay of the President of the Congress shall be sixteen dollars per day, and the same mileage as the members;

which was agreed to.

Mr. Toombs, from the Committee on Finance, made the following report:

The Committee on Finance, to which was referred the "resolution to continue the mints at New Orleans and Dahlonega," have considered the same and instruct me to report the same back without amendment and to recommend its passage.

R. TOOMBS, *Chairman*.

Congress took up the resolution.

Mr. Curry moved to amend the same by adding thereto the following words: "*Provided*, That the mint at Dahlonega be abolished after twelve months;" which was lost.

The resolution was then ordered to be engrossed; which having been done, was read a third time and adopted, and secrecy ordered to be removed therefrom when approved by the President.

On motion of Mr. Bartow, it was ordered that the injunction of secrecy be removed from all acts passed by the Congress and approved by the President, relative to the organization of military forces for the Confederate States.

On motion of Mr. Harrison, it was agreed that Congress take a recess from 3.30 o'clock p. m. to 7.30 o'clock p. m.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution to continue the mints at New Orleans and Dahlonga.

Mr. Barnwell offered a bill to provide for an assistant treasurer of the Confederate States of America in the city of New Orleans: which was read the first and second times.

The provisos as follows:

*Provided*, That it shall not be necessary that each surety shall bind himself for the whole amount of the bond, but the aggregate amount for which the sureties are severally bound shall be equal to the full sum of one hundred thousand dollars:  
*Provided*, That each surety shall be bound for at least twenty-five thousand dollars;

On motion of Mr. Barnwell, was amended by striking out the words "twenty-five" and inserting in lieu thereof the word "twenty."

The bill was engrossed as amended, read a third time, and passed.

The title of the bill was then amended, and is as follows:

A bill to provide for an assistant treasurer of the Confederate States of America, and an assistant treasurer of the mint in the city of New Orleans.

Mr. Bartow reported

A bill to admit certain materials for the construction of a telegraphic line from Savannah, in the State of Georgia, to Fort Pulaski free of duty;

which was read the first and second times..

On motion of Mr. McRae, the same was amended by adding the following additional section, to wit:

*And be it further enacted*, That the materials necessary to construct a telegraph line from Mobile to Fort Morgan may also be imported free of duty.

The bill was engrossed, read a third time and passed as amended, under the following title:

A bill to admit certain materials for the construction of a telegraphic line from Savannah, in the State of Georgia, to Fort Pulaski, and a telegraphic line from Mobile to Fort Morgan.

Congress then adjourned until 10 o'clock a. m. to-morrow.

SATURDAY, MARCH 9, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer being offered by Rev. Dr. Petrie,

The Journal of yesterday was read and approved.

Mr. Morton laid before Congress the following resolution adopted by the convention of Florida:

*Resolved by the people of Florida in convention assembled*, That our delegation to the Southern Congress be, and they are hereby, requested to bring the subject of the maintenance of marine hospitals, light-houses, etc., within the State of Florida to the attention of said Congress and urge an immediate provision for the same.

Done in open convention March 1, 1861.

WILLIAM S. HARRIS,  
*Secretary of the Convention.*  
JOHN C. McGEHEE,  
*President of Convention.*

(Signed)

which was referred to the Committee on Commerce.

Congress proceeded to the consideration of

A bill to be entitled "An act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida."

The first section thereof being as follows, to wit:

*The Congress of the Confederate States do enact,* That a court of admiralty and maritime jurisdiction at Key West, in the State of Florida, shall be, and is hereby, created, which shall have cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under the revenue laws or laws of navigation and trade of the Confederate States, when the seizures are made or cause of complaint arises on waters which are navigable from the sea by vessels of ten or more tons burden, as well as upon the high seas, saving to suitors in all cases the right of a common-law remedy, where the remedy at common law is ample and complete. The limits or bounds of said court shall be all that part of the State of Florida which lies south of a line drawn due east and west from the northern point of Charlotte Harbor, including the islands, keys, reefs, shoals, harbors, bays, and inlets south of said line.

Mr. Withers moved to amend the same by striking therefrom the words "limits or bounds of said court shall be," as they occur, and inserting in lieu thereof the words "said court shall exercise jurisdiction in;" which was agreed to.

The last sentence of the section as amended reads as follows, to wit:

The said court shall exercise jurisdiction in all that part of the State of Florida which lies south of a line drawn due east and west from the northern point of Charlotte Harbor, including the islands, keys, reefs, shoals, harbors, bays, and inlets south of said line.

The third section thereof being as follows:

SEC. 3. There shall be appointed by the President, by and with the advice and consent of Congress, a judge of said court for the term prescribed by the Constitution, who shall receive compensation at the rate of \_\_\_\_\_ dollars per annum, payable quarterly. The judge shall reside at Key West, in the State aforesaid, and shall hold two regular terms of said court in each year, at Key West, the one commencing on the first Monday of May, the other on the first Monday of November, in each year, and shall hold extra sessions of the same from time to time at such places in said district as occasion may require to dispatch the business of said court. And the said court shall be at all times open for the purpose of hearing and determining all cases of admiralty and maritime jurisdiction.

Mr. Anderson moved to fill the blank with the words "thirty-five hundred."

Mr. Clayton moved to insert "three thousand."

The question being on the largest amount, the motion of Mr. Anderson prevailed, the States voting as follows:

Yea: Florida, Georgia, Louisiana, and South Carolina.

Nay: Alabama and Mississippi.

Divided: Texas.

The seventh section being as follows:

SEC. 7. The said judge shall also appoint for said court a fit person, learned in the law, to act as attorney for the Confederate States in all matters touching their interest, and in all crimes and offenses against their laws. He shall receive for his services a salary of \_\_\_\_\_ per annum, payable quarterly, and the further sum of five dollars a day for each day that he may attend said court when in actual session.

Mr. Clayton moved to fill the blank with the words "two hundred [dollars];" which was agreed to.

Mr. Clayton offered the following as an additional section, to be section 10, to wit:

All writs and processes, either mesne or final, which shall issue from said court, shall bear teste of the judge of said court, and shall be under the seal and signed by the clerk thereof;

which was adopted.

The bill as amended was then ordered to be engrossed for a third reading; which having been done, the bill was read a third time and passed.

The other regular orders on the Public Calendar were postponed for the time and Congress went into secret session; and after remaining some time therein, adjourned till 10 o'clock Monday next.

#### SECRET SESSION.

Congress having gone into secret session,

Mr. Toombs, from the Committee on Finance, to which committee was referred

A bill to be entitled "An act further to provide for the organization of the Post-Office Department," reported the same back with a recommendation that it pass.

Congress proceeded to its consideration.

The bill was ordered to be engrossed for a third reading; which having been done and the bill read a third time, was passed.

Mr. Toombs, from the Committee on Finance, to which committee was referred

A bill to be entitled "An act making appropriations for the support of three thousand men for twelve months, to be called into service at Charleston, South Carolina, under the third and fourth sections of an act of the Congress to raise provisional forces for the Confederate States of America, and for other purposes," reported the same back without amendment, with a recommendation that it pass.

Congress having proceeded to its consideration, the bill was ordered to be engrossed for a third reading; which having been done, the bill was read a third time and passed.

Mr. Toombs, from the Committee on Finance, to which committee was referred

A bill to be entitled "An act making appropriations for the support of the Regular Army of the Confederate States of America for twelve months, and for other purposes," reported the same back without amendment and recommended that it pass.

Congress having proceeded to its consideration, the bill was engrossed, read a third time, and passed.

Mr. Barnwell, from the Committee on Finance, reported

A bill to be entitled "An act to provide revenue from commodities imported from foreign countries;" which was read a first and second time, ordered to be placed on the Calendar, and to be printed.

It was further ordered that, when printed, the injunction of secrecy thereon be removed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for an assistant treasurer of the Confederate States of America, and a treasurer for the mint in the city of New Orleans;

An act to authorize the issue of Treasury notes, and to prescribe the punishment for forging the same and for forging certificates of stock, bonds, or coupons;



An act to admit certain materials free of duty, for the construction of telegraphic lines from Savannah, in the State of Georgia, to Fort Pulaski, and from Mobile, in the State of Alabama, to Fort Morgan; and

An act further to provide for the organization of the Post-Office Department.

A message was received from the President that he had approved and signed

An act to admit certain materials free of duty, for the construction of telegraphic lines from Savannah, in the State of Georgia, to Fort Pulaski, and from Mobile, in the State of Alabama, to Fort Morgan;

An act to authorize the issue of Treasury notes, and to prescribe the punishment for forging the same and for forging certificates of stock, bonds, or coupons;

An act to provide for an assistant treasurer of the Confederate States of America, and a treasurer for the mint in the city of New Orleans;

A resolution to continue the mints at New Orleans and Dahlonega; also

An act further to provide for the organization of the Post-Office Department;

the secrecy on which last-named act was ordered to be removed.

The Chair laid before Congress two communications, one of which was referred to the Committee on Military Affairs and the other to the Committee on Finance.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations for the support of 3,000 men for twelve months, to be called into service at Charleston, S. C., under the third and fourth sections of an act to raise provisional forces for the Confederate States of America, and for other purposes; also

An act to fix the pay of the members of the Congress of the Confederate States of America.

Mr. Cobb introduced the following bill:

A bill in relation to Sunday mail service.

SECTION 1. *The Congress of the Confederate States do enact*, That the Postmaster-General, in the renewal or making of contracts for carrying mails within the Confederate States, shall not require of any contractor to carry or deliver any mails on Sunday. Nor shall he require any deputy postmaster to make up, distribute, receive, or deliver any mail matter or to keep open any post-office on that day.

Mr. Withers moved to refer the bill to the Committee on Postal Affairs, and, at the instance of South Carolina, the yeas and nays thereon were taken and recorded, as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Hale, and McRae. Nay: Messrs. Chilton, Shorter, and Fearn.

Florida—Nay: Messrs. Morton and Anderson.

Georgia—Nay: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, Thomas R. R. Cobb, and Stephens.

Louisiana divided—Yea: Messrs. Perkins, Kenner, and Sparrow. Nay: Messrs. De Clouet, Conrad, and Marshall.

Mississippi—Yea: Messrs. Barry and Harrison. Nay: Messrs. Harris, Wilson, and Clayton.

South Carolina divided—Yea: Messrs. Chesnut, Miles, Withers, and Boyce. Nay: Messrs. Rhett, Barnwell, Keitt, and Memminger.

Texas—Yea: Messrs. Reagan and Ochiltree. Nay: Mr. Waul.

Yea: Alabama and Texas, 2.

Nay: Florida, Georgia, and Mississippi, 3.

Divided: Louisiana and South Carolina, 2.

The motion was lost.

Mr. Kenner offered the following amendment, to wit:

*Provided*, That inasmuch as the people of the States of Louisiana and Texas recognize perfect freedom of conscience and freedom of religious action to worship their Maker at such times and on such days as they think proper, the contracts for carrying the mails in those States be exempted from the provisions of this act.

Mr. Conrad moved to lay the bill and amendment on the table.

Mr. Nisbet called the question; which was seconded, and the motion to lay on the table was lost.

The yeas and nays of the entire body were ordered to be taken, and are as follows:

Alabama—Yea: Messrs. Walker, Smith, and McRae. Nay: Messrs. Curry, Chilton, Hale, Shorter, and Fearn.

Florida—Nay: Messrs. Morton and Anderson.

Georgia—Nay: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, Thomas R. R. Cobb, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Wilson, Barry, and Harrison. Nay: Messrs. Harris and Clayton.

South Carolina divided—Yea: Messrs. Chesnut, Miles, Withers, and Boyce. Nay: Messrs. Rhett, Barnwell, Keitt, and Memminger.

Texas—Yea: Messrs. Reagan, Waul, Gregg, and Ochiltree.

Yea: Louisiana, Mississippi, and Texas, 3.

Nay: Alabama, Florida, and Georgia, 3.

Divided: South Carolina, 1.

On motion of Mr. Cobb, the bill and amendment were then referred to the Committee on Postal Affairs.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill amendatory of an act for the organization of the staff departments of the Army, and an act for the establishment and organization of the Army of the Confederate States of America; which was read a first and second time and ordered to be placed on the Calendar and to be printed.

Mr. Bartow, from the Committee on Military Affairs, also reported

A bill making appropriations to carry out the provisions of an act to provide for the public defense; which was referred to the Committee on Finance.

On motion of Mr. Withers,

Congress adjourned till 10 o'clock Monday next.

MONDAY, MARCH 11, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Dr. Manly.

The Journal of Saturday was read and approved.

The Chair laid before Congress the following communication and resolution; which, on motion of Mr. Wright, were ordered to be spread upon the Journal, to wit:

SAVANNAH, GA., *March 8, 1861.*

Hon. HOWELL COBB,  
*President, etc., Montgomery, Ala.*

SIR: Under authority of the convention of Georgia I am instructed to lay before the Provisional Congress the inclosed resolution.

I have the honor to be, your obedient servant,

A. R. LAMAR, *Secretary.*

The following is the resolution:

CONVENTION OF GEORGIA,  
*Savannah, Ga., March 8, 1861.*

*Resolved*, That the people of Georgia in convention assembled most heartily approve the election, by the Congress at Montgomery, of the Hon. Jefferson Davis to the Presidency and the Hon. A. H. Stephens to the Vice-Presidency of the Provisional Government of the Confederate States of America, the duties of which positions their distinguished public services and acknowledged abilities eminently qualify them to discharge.

A true extract from the minutes.

Attest:

A. R. LAMAR, *Secretary.*

Mr. Withers offered the following resolution:

A resolution accepting certain funds tendered to the Confederate States by the State of Louisiana.

Whereas the convention of the State of Louisiana has adopted an ordinance as follows, to wit:

An ordinance to transfer certain funds to the Government of the Confederate States of America.

SECTION 1. It is hereby ordained that the sum of three hundred and eighty-nine thousand two hundred and sixty-seven and forty-six one hundredths dollars, now in the hands of A. J. Guirot, State depositary, and known as the "Bullion fund," be transferred to the Government of the Confederate States of America, and that said State depositary be, and he is hereby, authorized and instructed to pay said sum upon the order of the Secretary of the Treasury of said Confederate States.

SEC. 2. It is further ordained, that the sum of one hundred and forty-seven thousand five hundred and nineteen dollars and sixty-six cents, being the balance received by said State depositary from the customs since the thirty-first January last, be transferred to said Government and paid by said depositary upon the order of said Secretary of the Treasury of the Confederate States: Be it therefore

*Resolved by the Congress of the Confederate States of America*, That the Congress accepts with a high sense of the patriotic liberality of the State of Louisiana, the funds so generously tendered to the Treasury of the Confederate States, and proffered in the ordinance aforesaid;

which resolution was agreed to.

Mr. Harrison presented a letter from A. M. Dowling relative to the structure of certain buildings; which was referred to the Committee on Finance.

Mr. Ochiltree offered the following resolution:

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of exempting from duties all railroad cars, tenders, iron chairs, spikes, and, generally, all the fixtures necessary to the building and equipping railroads, which were purchased in the United States for the benefit of railroads in the Confederate States prior to the twenty-eighth day of February, A. D. eighteen hundred and sixty-one;

which was adopted.

Mr. Hemphill, one of the Delegates from the State of Texas, appeared, took the oath to support the Constitution, and signed the roll of Congress.

The general orders on the Public Calendar were postponed for the present and Congress went into secret session; and after remaining some time therein, adjourned till 10 o'clock to-morrow.

SECRET SESSION.

Congress having gone into secret session,  
The Journal of Saturday was read and approved.  
Mr. Barnwell offered the following resolutions:

*Resolved*, That a committee of three members of this body be appointed to revise the statute laws of the United States, and report, in form of a digest, such laws as are applicable to this Confederacy, together with such changes and modifications as they would recommend for the adoption of Congress.

(2) *Resolved*, That the committee have leave to sit during the recess, and to employ such clerks and to order such printing as they may require, and that they be authorized to draw for the same on the appropriation for the contingent expenses of Congress.

(3) *Resolved*, That the committee be appointed by the President of the Congress; which were read a first and second time, engrossed, read a third time, and adopted.

Mr. Wilson, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations for the support of the Regular Army of the Confederate States of America for twelve months, and for other purposes; also

An act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida.

On motion of Mr. Clayton, the unfinished business was postponed for the time, and Mr. Clayton, from the Committee on Judiciary, to which committee was referred the resolution in relation to the public lands, made a report thereon; which was ordered to be printed and laid on the table for the time.

It was also ordered that the Alabama delegation be authorized to inform the convention of Alabama that Congress has the subject of public lands under consideration.

On motion of Mr. Conrad, the Congress postponed the regular order and took up, by sections, the bill for the organization of the Navy.

The first section being as follows, viz.

SECTION 1. *The Congress of the Confederate States do enact*, That the President be authorized to appoint the following commissioned officers of the Navy, viz: Four captains, four commanders, lieutenants, five surgeons, and five assistant surgeons, six paymasters, two chief engineers, and as many masters, midshipmen, engineers, naval constructors, boatswains, gunners, carpenters, sailmakers and other noncommissioned or warrant officers and seamen as he may deem necessary.

On motion of Mr. Conrad, the same was amended by filling up the blank with the word "thirty."

Mr. Boyce moved to amend the same by adding the following proviso, to wit:

*Provided, however*, That the appointments authorized by this bill shall be made only as they may be needed in actual service.

The motion was lost.

Mr. Conrad moved the following as an additional section to the bill, and to be called the sixth section:

SEC. 6. The following officers shall be attached to the Navy Department, to wit:

1. An officer, not below the grade of commander, who shall be charged with the purchase or preparation of ordnance, ordnance stores, and supplies and equipments,



and with hydrography, and with such other duties as the Secretary may from time to time assign to him.

2. An officer, not below the rank of lieutenant, and to be designated as the Judge-Advocate-General of the Navy, who shall, under the direction of the Secretary, have charge of all matters and things connected with courts-martial and courts of inquiry, and with the custody of all records and papers thereunto appertaining. Said officer shall also, under the direction of the Secretary, prepare all orders to officers and details of a service, and shall perform such other duties relating to the personnel of the Navy as the Secretary may from time to time direct.

3. A surgeon or assistant surgeon, who shall, under the direction of the Secretary, make all purchases of medicines and medical supplies for the Navy, and perform such other duties appertaining to the medical department as the Secretary may from time to time direct.

4. A paymaster, who shall, under the direction of the Secretary, make all contracts for or purchases of provisions, clothing, and coal for the use of the Navy, and perform such other duties as the Secretary may direct.

The Secretary is authorized to appoint one clerk to aid each of the above officers in the discharge of his duties, whose annual salary shall not exceed fifteen hundred dollars; but the officers therein detailed for duty shall receive no compensation for their services beyond their regular pay on other duty.

The motion prevailed.

On motion of Mr. Conrad, the bill was further amended by striking therefrom the tenth section; which is as follows:

SEC. 10. In any case in which an officer who had previously been attached to the Navy of the United States shall be received into the naval service of the Confederate States, the President is hereby authorized to affix to his commission such date as he may deem proper, and the date so affixed shall be deemed to be that of his appointment: *Provided*, The date so affixed shall not be more than six months prior to that of his actual appointment.

Mr. Ochiltree moved to amend the bill by adding the following as an additional section, to wit:

No officers appointed under the provisions of this act shall be finally dismissed from the service except upon the finding of a court-martial or court of inquiry after charges duly preferred. And when charges shall be preferred against an officer he shall be furnished with a copy of the same, and shall have the right to appear before the court-martial or court of inquiry to answer the same, either by himself or counsel.

Upon agreeing to the amendment, at the instance of the State of Texas, the yeas and nays of the entire body were ordered to be taken and recorded on the Journal, and are as follows:

Alabama—Yea: Mr. Shorter. Nay: Messrs. Hale and Fearn.

Florida—Yea: Messrs. Morton, Anderson, and Owens.

Georgia—Yea: Mr. Howell Cobb. Nay: Messrs. Toombs, Nisbet, and Wright.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, Sparrow, and Marshall.

Mississippi divided—Yea: Messrs. Wilson and Harrison. Nay: Messrs. Clayton and Barry.

South Carolina—Nay: Messrs. Rhett, Keitt, Chesnut, Miles, Withers, and Boyce.

Texas—Yea: Messrs. Reagan, Hemphill, Waul, Gregg, and Ochiltree.

The motion to amend was lost.

Mr. Conrad moved to amend the bill by adding the following additional section, viz:

The President may determine the relative and assimilated rank which officers of the Navy shall hold toward those of the Army.

The motion prevailed.

The bill was engrossed as amended, read the third time, and passed.

Mr. Kenner offered the following resolution, to wit:

*Resolved*, That when this Congress adjourns Tuesday, it stand adjourned till the third Wednesday in May, unless sooner reassembled by the President of the Confederate States;

which was postponed for the present.

Mr. Toombs, from the Committee on Finance, to which was referred a bill making appropriations to carry out the provisions of an act to provide for the public defense, reported the same back to the Congress without amendment and recommended that the same do pass.

The bill was ordered to be taken up, was engrossed, read a third time, and passed.

Mr. Toombs, from the same committee, also reported

A bill to make appropriations for the legislative, executive, and judicial expenses of the Government for the year ending February 4, 1862;

which was read the first and second times and put on the Calendar and ordered to be printed.

Mr. Toombs, from the Committee on Finance, to which committee was referred an act passed by the legislature of Florida relative to the Pensacola and Georgia Railroad Company, asked to be relieved from its further consideration and that the matter lie on the table for the present.

The report was agreed to.

Mr. Wilson, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution providing for a digest of laws.

A message was received from the President, through his Private Secretary, Mr. Josselyn, that he had approved and signed the following acts passed by the Congress, to wit:

An act to fix the pay of the members of the Congress of the Confederate States of America;

An act making appropriations for the support of 3,000 men for twelve months, to be called into service at Charleston, S. C., under the third and fourth sections of an act to raise provisional forces for the Confederate States of America, and for other purposes;

An act making appropriations for the support of the Regular Army of the Confederate States of America for twelve months, and for other purposes; and

An act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida.

Mr. Wilson, from the Committee on Engrossment, reported as duly engrossed and enrolled

An act making appropriations to carry out the provisions of an act to provide for the public defense.

Mr. Barnwell offered the following resolution:

*Resolved*, That when this Congress adjourns on Wednesday next, it will adjourn until the second Monday in May.

Mr. Clayton moved the Congress take a recess till 7.30 o'clock p. m. The motion was lost.

On motion of Mr. Morton,

Congress adjourned until 10 o'clock a. m. to-morrow.

## EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

EXECUTIVE DEPARTMENT,  
*Montgomery, Ala., March 11, 1861.*

HON. HOWELL COBB,  
*President of the Congress.*

SIR: I herewith transmit for the advice and consent of the Congress the nomination of A. J. Guirot, of Louisiana, to be assistant treasurer of the Confederate States, and treasurer of the mint at New Orleans.

JEFFERSON DAVIS.

And the question being,  
Will the Congress advise and consent to the nomination above communicated?

It was unanimously decided in the affirmative.

So the Congress does advise and consent that A. J. Guirot, of Louisiana, be assistant treasurer of the Confederate States, and treasurer of the mint at New Orleans.

There being no further executive business, the Congress resumed the consideration of the business upon the Calendar.

TUESDAY, MARCH 12, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered up by the Rev. Mr. Cobbs.

The Journal of yesterday was read and approved.

Mr. Wright laid before Congress a memorial from the New Mexican Railway Company; which was referred to the Committee on Territories.

Mr. Withers offered the following resolution:

*Resolved*, That when the printers of Congress shall have prepared an edition of the laws and resolutions directed to be published, the Secretary of Congress do transmit one copy of the same to each member of this body;

which was agreed to.

The regular order on the Public Calendar was postponed for the time and Congress went into secret session; and after remaining some time therein, adjourned till 10 o'clock to-morrow.

## SECRET SESSION.

Congress having gone into secret session,

The Journal of yesterday was read and approved.

The unfinished business was postponed for the time, and

Mr. Toombs, from the Committee on Finance, reported

A bill to be entitled "An act to regulate foreign coins in the Confederate States;"

which was ordered to lie on the table for the present.

The unfinished business was then taken up, it being

A bill to be entitled "An act to establish the judicial courts of the Confederate States of America."

The bill was considered by sections.

The second section being as follows:

SEC. 2. That each of the Confederate States shall constitute one district, in which there shall be a court called a district court, to consist of one judge, who shall reside in the State for which he is appointed, and shall receive a salary of three thousand dollars a year, payable quarterly.

Mr. Waul moved to amend the same by striking out the word "three," where it occurs, and inserting in lieu thereof the word "five."

Mr. Harris demanded the question; which was seconded, and the motion was lost, the States voting:

Yea: Louisiana and Texas, 2.

Nay: Alabama, Florida, Georgia, Mississippi, and South Carolina, 5.

Mr. Sparrow moved to amend the same by striking out the words "of three thousand dollars a year, payable quarterly," and inserting in lieu thereof the following words: "equal to that paid to a judge of the court of the highest jurisdiction in the State where he resides."

Mr. Memminger offered the following as a substitute for the proposition offered by Mr. Sparrow, viz:

Each of the judges shall receive a salary of four thousand dollars, except the judge for the district of Louisiana, who shall receive the same amount of salary as is paid to the highest judicial officer under the State government of Louisiana.

Mr. Ochiltree demanded the question on the substitute; which was seconded, and the motion was lost, the States voting as follows:

Yea: Louisiana, Texas.

Nay: Alabama, Florida, Georgia, Mississippi.

Divided: South Carolina.

The question recurring on the motion of Mr. Sparrow, Mr. Toombs demanded thereon the question; which was seconded, and the motion prevailed.

The section as amended is as follows:

SEC. 2. That each of the Confederate States shall constitute one district, in which there shall be a court called a district court, to consist of one judge, who shall reside in the State for which he is appointed, and shall receive a salary equal to that paid to a judge of the court of the highest jurisdiction in the State where he resides.

The fourth section being as follows:

SEC. 4. Each of the district judges shall appoint a clerk and a marshal for his court, who shall hold their offices during the Provisional Government, subject to removal by the said judge. They shall each take the oath or affirmation prescribed in the Constitution, and for the faithful discharge of the duties of their respective offices. They shall each give bond with sureties, to be approved by the judge, for the faithful discharge of their respective duties, in the penalty and for the amount which may be prescribed by the judge; but that of the marshal in no instance shall be less than twenty thousand dollars. The marshal may appoint as many deputies as may be necessary, for whose acts he and his sureties shall be bound as for his own.

Mr. Sparrow moved to strike out the words where they first occur, viz: "and a marshal;" which was agreed to.

Mr. Clayton moved to strike out "a," where it first occurs, and insert in lieu thereof the words "one or more;" which was agreed to.

Mr. Memminger moved to amend the section by striking therefrom the first sentence and inserting in lieu thereof the following:

There shall be a marshal and one or more clerks appointed for each court—the marshal by the President of the Confederate States and the clerks by the judge of such court;

which was agreed to.

The eighth section was postponed for the time.



The tenth section being as follows:

SEC. 10. The district courts shall have jurisdiction, concurrent with the courts of the several States, of all civil suits at common law or in equity where the matter in dispute, exclusive of costs, exceeds the sum or value of five thousand dollars, and where the character of the parties is such as by the constitution to authorize said court to entertain jurisdiction. But no person shall be arrested in any such suit in one district for trial in another; and no civil suit shall be brought before any of said courts against an inhabitant of the Confederate States by any original process in any other district than that of which he is an inhabitant, or in which he shall be found at the time of suing the writ; nor shall any district court have cognizance of any suit to recover the contents of any promissory note, or other chose in action, in favor of an assignee, unless a suit might have been prosecuted in such court to recover such contents if no assignment had been made, except in cases of foreign bills of exchange.

Mr. Clayton moved to amend the same by inserting after the word "arrested," where it first occurs, the words "or summoned," and to further amend so as to make the sentence read: "But no person shall be arrested or summoned in any such suit in one division of a district for trial in another," etc.; which was agreed to.

On motion of Mr. Clayton, the section was further amended by striking out as they occur the words, to wit: "or in which he shall be found at the time of suing the writ."

Mr. Waul moved to amend the section by inserting after the word "assignee," where it last occurs, the words "or transferee," and to insert after the word "assignment," where it last occurs, the words "or transfer;" which was agreed to, the States voting as follows:

Yea: Alabama, Florida, Louisiana, and Texas.

Nay: Georgia, Mississippi, and South Carolina.

Mr. Smith moved to amend the same section by striking out the words "five thousand dollars," where they occur, and inserting in lieu thereof the words "five hundred dollars."

Mr. Toombs demanded the question; which was seconded, and the motion was lost.

The section as amended is as follows:

SEC. 10. The district courts shall have jurisdiction, concurrent with the courts of the several States, of all civil suits at common law or in equity where the matter in dispute, exclusive of costs, exceeds the sum or value of five thousand dollars, and where the character of the parties is such as by the constitution to authorize said court to entertain jurisdiction. But no person shall be arrested or summoned in any such suit in one division of a district for trial in another; and no civil suit shall be brought before any of said courts against an inhabitant of the Confederate States by any original process in any other district than that of which he is an inhabitant; nor shall any district court have cognizance of any suit to recover the contents of any promissory note, or other chose in action, in favor of an assignee or transferee, unless a suit might have been prosecuted in such court to recover such contents if no assignment or transfer had been made, except in cases of foreign bills of exchange.

Section twelfth was postponed for the time.

On motion of Mr. Miles, the further consideration of the bill was postponed for the time, and Congress took up

A bill amendatory of an act for the organization of the staff departments of the Army, and an act for the establishment and organization of the Army of the Confederate States of America.

On motion of Mr. Miles, the fourth section was stricken out and the following inserted in lieu thereof, to wit:

SEC. 4. *And be it further enacted*, That in all cases of officers who have left, or who may within six months tender their resignations from the Army of the United States,

and who have been or may be appointed to original vacancies in the Army of the Confederate States, the commissions issued shall bear one and the same date, so that the relative rank of officers of each grade shall be determined by their former commissions in the United States Army, held anterior to the secession of these Confederate States from the United States.

The bill as amended was then engrossed, read a third time, and passed.

Congress then proceeded to the consideration of

A bill to regulate foreign coins in the Confederate States.

The bill was taken up by sections, was ordered to be engrossed; which having been done, was read a third time and passed.

Mr. Barnwell moved that Congress take a recess till 7.30 o'clock; which was lost, the States voting as follows:

Yea: Georgia, Louisiana, and Mississippi.

Nay: Alabama, Florida, and Texas.

South Carolina divided.

Mr. Ochiltree offered the following resolution:

A resolution to authorize the employment of a special messenger to Texas to carry a copy of the Constitution.

*Resolved*, That the President of this Congress do forthwith employ a special messenger, by whom he shall transmit to the president of the convention of the people of the State of Texas, in session at Austin, in said State, a certified copy of the Constitution of the Confederate States, and that said messenger, upon the certificate of the president of said convention in Texas of the faithful discharge of his duty, shall be entitled to receive the sum of one hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated;

which was read a first and second time, engrossed, read a third time, and passed.

Mr. Sparrow moved to take up for consideration the resolution on the table relative to the adjournment of Congress.

The motion was lost.

A message was received from the President that he had approved and signed

An act making appropriations to carry out the provisions of an act to provide for the public defense; also

A resolution providing for a digest of laws.

On motion of Mr. Withers,

Congress adjourned till 10 o'clock to-morrow.

### WEDNESDAY, MARCH 13, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment.

After prayer, the Journal of yesterday was read and approved.

Mr. Curry laid before Congress certain expense accounts against the Confederate States; which were referred to the Committee on Accounts.

On motion of Mr. Sparrow, Mr. De Clouet was excused from service on the Committees on Accounts and Commercial Affairs.

Mr. Clayton presented a letter; which was ordered to be spread on the Journal, and is as follows:

SALEM, MISS., March 9, 1861.

JUDGE CLAYTON: I notice that the Montgomery Congress has authorized a loan, but have seen nothing further on the subject. I have just tendered Governor Pettus

\$5,000 for the use of our State, and have about the same amount in the hands of E. M. Apperson & Co., of Memphis, which is at the service of the Confederate States of America.

Yours, truly,

F. S. LEAK.

Congress, on motion of Mr. Perkins, went into secret session; after remaining some time therein, adjourned till 10 o'clock to-morrow.

#### SECRET SESSION.

Congress having gone into secret session,  
The Journal of yesterday was read and approved.

On motion of Mr. Barnwell, Congress proceeded to the consideration of the resolution relative to the adjournment of Congress.

Mr. Sparrow moved to amend the resolution so that the adjournment would extend to the first Monday of June next.

Mr. Clayton demanded the question; which was seconded, and the motion was lost.

Mr. Hale moved to amend the same by striking out "Thursday, the fourteenth instant," and inserting in lieu thereof "Saturday, sixteenth instant;" which was agreed to.

The question recurring on agreeing to the resolution as amended, at the instance of the State of Louisiana, the yeas and nays of the entire body were ordered to be recorded, and are as follows:

Alabama—Yea: Messrs. Smith, Chilton, Hale, McRae, and Fearn. Nay: Mr. Curry.

Florida—Yea: Messrs. Morton and Anderson.

Georgia—Yea: Messrs. Howell Cobb and Wright.

Louisiana—Yea: Messrs. Perkins, Conrad, and Sparrow.

Mississippi—Yea: Messrs. Wilson, Clayton, Barry, and Harrison.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Miles, and Boyce. Nay: Mr. Withers.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Mr. Hemphill.

On motion of Mr. Wright, Mr. Crawford was excused from further service on the Committee on Accounts.

Mr. Wilson, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act amendatory of an act for the organization of the Army, and an act for the establishment and organization of the Army of the Confederate States; and

A resolution to authorize the employment of a special messenger to Texas to carry a copy of the Constitution.

On motion of Mr. Barnwell, the injunction of secrecy was removed from the provisions of the bill reported from the Committee on Finance relative to tariff.

Congress then proceeded to the consideration of the unfinished business; which was the

Bill to establish the judicial courts of the Confederate States of America.

Mr. Morton, at the instance of the State of Florida, moved to reconsider the vote by which Congress refused to strike out the words "three thousand" and insert in lieu thereof the words "five thousand."

Mr. Morton demanded the question; which was seconded, and at the instance of the State of Florida the yeas and nays of the whole body were recorded, and are as follows:

Alabama divided—Yea: Messrs. Smith, Chilton, and McRae. Nay: Messrs. Curry, Hale, and Fearn.

Florida—Yea: Messrs. Morton, Anderson, and Owens.

Georgia—Yea: Mr. Wright. Nay: Messrs. Toombs and Howell Cobb.

Louisiana—Nay: Messrs. Perkins, Conrad, and Sparrow.

Mississippi divided—Yea: Messrs. Wilson and Clayton. Nay: Messrs. Barry and Harrison.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett, Barnwell, Chesnut, Miles, and Withers.

Texas—Yea: Messrs. Hemphill, Waul, and Ochiltree.

Yea: Florida and Texas, 2.

Nay: Georgia, Louisiana, and South Carolina, 3.

Divided: Alabama and Mississippi, 2.

By consent Mr. Conrad, from the Committee on Naval Affairs, reported a bill to authorize the purchase or construction of ten gunboats; which was read the first and second times, put on the Calendar, and ordered to be printed.

Congress resumed consideration of the bill to establish the judicial courts of the Confederate States of America.

The eighteenth section being as follows:

Sec. 18. The judges of the several district courts may, each for his own district, appoint as many commissioners as he may deem necessary to administer oaths and take acknowledgments of deeds or other papers and take depositions, which acts of such commissioner shall have the same force and effect in all the Confederate States and the courts thereof as if done by a judge of such court. And any person swearing falsely in any oath or matter before such commissioner shall, upon conviction, be liable to the same punishment as if the oath had been made before such judge. And the same fees shall be allowed such commissioner as are allowed for similar services by the laws of the State in which they are performed. All the powers and authority conferred in and by the preceding section are hereby vested in and may be exercised by any legally appointed notary public in any of the Confederate States or any of the United States.

Mr. Clayton moved to amend the same by inserting between the words "other" and "district" the words "division or," and by adding after the words "in which he resides" the words "and when his attendance can not be procured, his depositions may be taken;" which was agreed to.

Mr. Clayton moved further to amend by adding to the end of the section the following words, to wit:

And the said district courts may, also, on application thereto as a court of equity, direct depositions to be taken to perpetuate testimony relating to matters cognizable in any court of the Confederate States; such depositions to be taken according to the law and practice in the State in which the order is made.

The motion prevailed.

Mr. Conrad moved further to amend the section as amended by adding thereto the following proviso:

*Provided*, That in Louisiana and Texas depositions may in all cases be taken according to the laws regulating the practice of the highest courts of original jurisdiction in those States;

which was agreed to.

The last clause of the eighteenth section, on motion of Mr. Sparrow, was amended by adding after the word "conferred" the words "on commissioners," and by striking out the word "section" and inserting in lieu thereof the word "clause."

On motion of Mr. Waul, the clause was further amended by striking out the words "or any of the United States."



The clause as amended reads as follows:

All the powers and authority conferred on commissioners in and by the preceding clause are hereby vested in, and may be exercised by, any legally appointed notary public in any of the Confederate States.

Section 19 being as follows:

In all the courts of the Confederate States the parties shall be heard either by themselves or counsel.

On motion of Mr. Sparrow, the same was amended by inserting after the words "the parties shall" the words "have the right to."

Section 20 having been read as follows:

SEC. 20. Where judgments are a lien upon the property of the defendant in any of the States, they shall have the same lien when rendered in one of the district courts of the Confederate States as if rendered in a State court, and be subject to the same rules as to enrollment or recording. And the lien of executions shall be the same as in the courts of the State where such district court sits.

Mr. Clayton moved to amend the same by inserting after the first words "when judgments are a" the words "mortgage or," and after the words "they shall have the same" the words "effect or," and after the words "rules as to enrollment or recording" the words "of judgments or abstracts of judgments;" which was agreed to.

On motion of Mr. Smith, the section was further amended by adding thereto the following words:

But in all cases of conflict between levies of process from the State and Federal courts, the first levy shall have priority.

The section as amended reads as follows:

Where judgments are a mortgage or lien upon the property of the defendant in any of the States, they shall have the same effect or lien when rendered in one of the district courts of the Confederate States as if rendered in a State court, and be subject to the same rules as to enrollment or recording of judgments or abstracts of judgments. And the lien of executions shall be the same as in the courts of the State where such district court sits. But in all cases of conflict between levies of process from the State and Federal courts, the first levy shall have priority.

The second and last clause of the twenty-first section being as follows:

In all suits in equity the testimony shall be taken in conformity to the law of the State for courts of the highest original jurisdiction in equity in such State. And the district courts may also, on application made thereto as a court of equity, direct depositions to be taken to perpetuate testimony relating to matters cognizable in any court of the Confederate States, such depositions to be taken according to the law and practice in the State where taken.

Mr. Clayton moved to strike the same from the bill; which was agreed to.

The twenty-second section being as follows, to wit:

SEC. 22. Where in any suit at law there are two or more defendants, plaintiff may dismiss his suit as to any one or more and proceed against the other.

On motion of Mr. Chilton, the same was stricken out.

The twenty-eighth section being as follows:

SEC. 28. Every mistake, omission, defect, or imperfection in the process, declaration, pleading, or any of the proceedings in any cause, or in the judgment, shall be amended from time to time, at the instance of either party, so as to secure a trial upon the merits and that justice may be done, subject to any rule for the costs of amendment which the judge may impose.

On motion of Mr. Waul, the same was amended by inserting after the words "at the instance of either party," as they occur, the words,

viz: "according to the several statutes of amendments or jeofails in the State in which the court sits."

The thirtieth section being as follows, to wit:

SEC. 30. A writ of error, when authorized by law to operate as a supersedeas and stay of execution, shall only have that effect when a copy thereof and citation have been served on the adverse party or his counsel of record.

On motion of Mr. Clayton, the same was amended by adding thereto the following, viz:

but no execution shall issue in less than ten days from the rendition of the judgment or decree unless upon affidavit made showing a necessity therefor.

The thirty-second section being as follows:

SEC. 32. There shall be appointed in each of the districts, by the judge thereof, a meet person, learned in the law, to act as attorney for the Confederate States in such district, who shall be sworn or affirmed to the faithful performance of his duty in office, and to support the Constitution; and it shall be his duty to prosecute in such district all delinquents for crimes and offenses cognizable in such court under the laws of the Confederate States, and all civil actions in which the Confederate States shall be concerned, except before the Supreme Court in the district in which that court shall be holden. And he shall receive as compensation for his services a salary of two hundred dollars per annum, payable quarterly, and ten dollars per diem for every day that he is engaged in attending said court. And where there are three divisions in the district for which he is appointed, he shall be allowed mileage at the rate of ten cents per mile for going to and returning from the court which is most distant from his place of residence, to be computed upon the most usual line of travel.

On motion of Mr. Clayton, the words "the judge thereof," where they first occur, were stricken out.

On motion of Mr. Hale, the section was further amended by adding thereto the following, to wit:

and in the case of the absence of such attorney from any term of the court, the presiding judge may appoint a fit person to act for him for the term.

Mr. Conrad moved to further amend the section by adding thereto the words, to wit:

*Provided*, That the annual salary of the district attorney of Louisiana shall be two thousand dollars, with the above per diem.

Mr. Harrison moved to lay the same on the table; which was agreed to, the States voting:

Yea: Alabama, Florida, Georgia, Mississippi, and South Carolina.

Nay: Louisiana and Texas.

Mr. Hemphill moved to amend the same section by inserting after the words "attending said court," as they occur, the words "together with such fees as shall hereafter be provided by law;" which was agreed to.

The section as amended is as follows:

SEC. 32. There shall be appointed in each of the districts, by the President, a meet person, learned in the law, to act as attorney for the Confederate States in such district, who shall be sworn or affirmed to the faithful performance of his duty in office, and to support the Constitution; and it shall be his duty to prosecute in such district all delinquents for crimes and offenses cognizable in such court under the laws of the Confederate States, and to prosecute or defend all civil actions in which the Confederate States shall be concerned, except before the Supreme Court in the district in which that court shall be holden. And he shall receive as compensation for his services a salary of two hundred dollars per annum, payable quarterly, and ten dollars per diem for every day that he is engaged in attending said court, together with such fees as shall hereafter be provided by law. And where there are three divisions in the district for which he is appointed, he shall be allowed mileage at the rate of ten cents per mile for going to and returning from the court which is most distant

from his place of residence, to be computed upon the most usual line of travel; and in case of the absence of such attorney from any term of the court, the presiding judge may appoint a fit person to act for him for the term.

Mr. Memminger offered the following as a separate section, to be the thirty-fifth section, to wit:

SEC. 35. The laws of the several States abolishing imprisonment for debt and providing relief for debtors held in custody shall take effect in favor of all persons held in custody for debt under the process of the Federal courts of this Confederacy;

which was agreed to.

The ——— section being read, Mr. Smith moved to amend the same by inserting after the words "execution of the sentence or judgment," where they occur, the words, viz: "upon the execution of such bond as may be required by the State law in similar cases;" which was agreed to.

Mr. Memminger moved to amend the section by striking therefrom the words, as they occur, viz: "or imprisonment in the jail or penitentiary, or fine of one thousand dollars or upwards;" which was lost.

Mr. Conrad moved to strike out the words "the jail or" and also the words "or fine of one thousand dollars or upwards."

The motion prevailed.

The forty-first section being as follows, viz:

SEC. 41. Final judgments and decrees in civil actions, and final decrees in equity in a district court, where the matter in dispute exceeds in value the sum of five thousand dollars exclusive of costs, may be reexamined and reversed or affirmed upon a writ of error in the Supreme Court, the citation in such case being signed by a judge of the district court or of the Supreme Court, and the adverse party having at least thirty days' notice. Writs of error shall not be brought but within two years after rendering or passing the judgment or decree complained of, or in case the person entitled to such writ of error be an infant, femme covert, non compos mentis, or imprisoned, then within two years, as aforesaid, exclusive of the time of such disability. And every judge signing a citation, or any writ of error, as aforesaid, shall take bond, and good and sufficient sureties, that the plaintiff shall prosecute his writ with effect, and answer all costs if he fail to make good his plea; and no writ of error shall operate as a supersedeas and stay of execution, unless such bond be with sureties and of sufficient amount to secure the whole judgment, if it be affirmed, in addition to the costs. And the said court shall have power to appoint a clerk, who shall take the oath prescribed for the clerks of the district courts, and give bond for the faithful discharge of his duty, in such amount as said court may direct.

On motion of Mr. Clayton, the same was amended by adding thereto the following:

whose fees shall be the same as those now allowed to the clerk of the Supreme Court of the United States.

Mr. Sparrow moved to amend the section by striking therefrom the following words, viz:

or in case the person entitled to such writ of error be an infant, femme covert, non compos mentis, or imprisoned, then within two years, as aforesaid, exclusive of the time of such disability.

The motion was lost, the States voting:

Yea: Louisiana.

Nay: Alabama, Florida, Georgia, Mississippi, and Texas.

Not voting: South Carolina.

Mr. Hemphill moved to further amend the section by striking therefrom the words as they first occur, to wit, "and final decrees in equity."

The motion was lost.

Mr. Sparrow moved to insert immediately after the words which he moved to strike out the following, to wit: "*Provided*, That the exception shall not apply to the State of Louisiana;" which was disagreed to.



The forty-second section being as follows:

SEC. 42. Where, upon such writ of error, the Supreme Court shall affirm a judgment or decree, they may adjudge or decree to the defendant in error just damages for his delay and all costs. The Supreme Court shall not issue executions in causes that are removed before them by writs of error, but shall send a special mandate to the district court to award execution thereupon.

Mr. Waul moved to amend the same by adding, after the word "delay," where it first occurs, the following, viz: "not exceeding ten per cent per annum."

The motion was agreed to.

Mr. Chilton moved to add to the words offered by Mr. Waul the following, to wit:

but such damages shall only be given when it is manifest to the court that the appeal or writ of error was taken for delay;

which was also agreed to.

On motion of Mr. Smith, the section was further amended by adding thereto the following words: "including lawful costs accruing upon such appeal."

The section as amended is as follows:

SEC. 42. Where, upon such writ of error, the Supreme Court shall affirm a judgment or decree, they may adjudge or decree to the defendant in error just damages for his delay, not exceeding ten per cent per annum—but such damages shall only be given when it is manifest to the court that the appeal or writ of error was taken for delay—and all costs. The Supreme Court shall not issue executions in causes that are removed before them by writs of error, but shall send a special mandate to the district court to award execution thereupon, including lawful costs accruing upon such appeal.

The forty-third section being as follows, to wit:

SEC. 43. From all final judgments or decrees rendered or which may be rendered in any district court in any cases of equity of admiralty and maritime jurisdiction, and of prize or no prize, an appeal where the matter in dispute, exclusive of costs, exceeds the sum or value of five thousand dollars in equity, or of five hundred dollars in courts of admiralty and maritime jurisdiction, shall be allowed to the Supreme Court, and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings of what kind soever in the cause, shall be transmitted to the said Supreme Court; and no new evidence shall be received in the said court on the hearing of such appeal; and such appeals shall be subject to the same rules, regulations, and restrictions as are prescribed in law in case of writs of error; and the said Supreme Court shall be, and hereby is, authorized and required to receive, hear, and determine such appeals.

On motion of Mr. Chilton, the words "rendered or," where they first occur, were stricken out.

On motion of Mr. Chilton, the section was further amended by adding thereto the following:

*Provided always,* That appeals or writs of error in any case to the Supreme Court of this Confederacy, from existing judgments or decrees, may be taken under the same rules and regulations required by the laws of the United States for appeals or writs of error to the Supreme Court of the United States, existing at the time the said judgments or decrees were rendered.

The forty-sixth section being as follows:

SEC. 46. *Be it further enacted,* That a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the Confederate States; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the Confederate States; or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute, or commission held under the Confederate States; in each of these cases the



decision may be reexamined and reversed or affirmed in the Supreme Court of the Confederate States, upon a writ of error, the citation being signed by any judge of the said Supreme Court in the same manner and under the same regulations and with the like effect as if the judgment or decree complained of had been rendered or passed in a district court of the Confederate States; and the proceeding upon reversal shall be the same, except that the Supreme Court, instead of remanding the cause for a final decision may, at their discretion, if the cause shall have once been remanded before, proceed to a final decision of the same and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid than such as appears in the face of the record, and immediately respects the before-mentioned questions of validity or construction of the said Constitution, treaties, statutes, commissions, or authorities in dispute.

Mr. Chesnut being in the chair, Mr. Memminger submitted the point of order that the sense of Congress could be taken on the adoption of one section of a bill and that it could be ordered to be engrossed disconnected with the other sections of the bill. The Chair decided to the contrary.

Mr. Withers appealed from the decision of the Chair.

The decision of the Chair was sustained, the States voting as follows:

Yea: Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.  
Nay: South Carolina.

Mr. Harrison moved to strike out the section.

Mr. Waul thereon demanded the question; which was seconded, and the motion was lost.

At the instance of the State of South Carolina, the yeas and nays of the entire body were taken and recorded as follows:

Alabama—Yea: Mr. Curry. Nay: Messrs. Smith and Chilton.

Florida—Nay: Messrs. Morton and Anderson.

Georgia—Nay: Messrs. Toombs, Howell Cobb, and Wright.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. Conrad and Sparrow.

Mississippi—Nay: Messrs. Wilson, Clayton, Barry, and Harrison.

South Carolina—Yea: Messrs. Barnwell, Chesnut, Memminger, Miles, and Withers. Nay: Mr. Boyce.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Hemphill and Waul.

Mr. Withers moved to amend the section by adding thereto the following:

*Provided*, That the writ of error provided for in this section shall not lie in any case where the judgment of the State court denies that the power in question has been delegated by the States.

Mr. Toombs demanded the question; which was seconded, and the motion was lost.

The yeas and nays were required, and are as follows:

Alabama—Yea: Mr. Curry. Nay: Messrs. Smith, Chilton, and McRae.

Florida—Nay: Messrs. Morton and Anderson.

Georgia—Nay: Messrs. Toombs, Howell Cobb, and Wright.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. Conrad and Sparrow.

Mississippi—Nay: Messrs. Wilson, Clayton, Barry, and Harrison.

South Carolina—Yea: Messrs. Barnwell, Chesnut, Memminger, Miles, and Withers. Nay: Mr. Boyce.

Texas—Nay: Messrs. Hemphill and Waul.

The forty-seventh section being as follows:

SEC. 47. *And be it further enacted*, That all the records, papers, dockets, depositions, and judicial proceedings of every kind appertaining to the circuit or district courts of the United States, within any of the States of this Confederacy, shall be transferred to the district court of the Confederate States of America in the same State

and district in which the same was pending; and the late clerk of said circuit or district courts, or other person in whose custody said records, papers, dockets, depositions, and judicial proceedings may be, shall deliver the same to the clerk of the district court to which they may be transferred under the provisions of this act, and the same shall stand in the same plight and condition in which they were in said circuit and district courts, respectively, and all previous orders therein made shall have the same effect; and the court to which said causes are hereby transferred shall proceed to hear and determine the same according to law.

And the judgments in all civil cases heretofore rendered in said circuit and district courts of the United States remaining unsatisfied shall have the same force and effect which they had before the secession of the State in which said court is situated; and the same proceedings may be had thereon in the district court of the Confederate States, by execution or otherwise, which might have been taken in the court in which they were rendered at the time of their rendition. And where, under any such judgment of the circuit and district courts of the United States, any execution may have been in part executed by levy on property or otherwise, it shall be the duty of the marshal or officer in whose hands such execution and property may be to turn over the same to the marshal of the Confederate States for the district in which such judgment was rendered, and to take his receipt therefor, and thereupon the said marshal shall proceed to dispose of the same according to the laws in force at the time such judgment was rendered, and pay over the proceeds to the party entitled; and new process shall be issuable in such district courts when requisite.

On motion of Mr. Clayton, the first clause of the section was amended by adding thereto the words:

*Provided*, That all suits which shall have been pending in any of the courts for the space of five years without prosecution shall be considered as abandoned, unless prosecuted within six months from the time of such transfer.

On motion of Mr. Clayton, the section was further amended by inserting, after the words "appertaining to," the words "any suit now pending in."

On motion of Mr. Clayton, the section was amended by adding at the end of the first clause the following, viz:

and all dockets, books, records, documents, and papers of every kind pertaining to judicial proceedings in any of said courts and to suits heretofore decided therein; and all patents, deeds, records, books, and papers pertaining to any land office which may by law have been deposited with the clerk of any of said courts or transferred to his office for safe-keeping, shall be delivered to the clerk of the district court for the district in which such court is situated, and the same shall be safely kept and preserved by said clerk until otherwise provided by law. And copies of any such records or other papers made out by said clerk of the district court and authenticated according to law shall have the force and effect given to copies of other instruments of like character in such State, and be admissible in evidence in all cases in which copies are admitted as evidence in the courts of the Confederate States.

On motion of Mr. Clayton, the section was also amended by adding at the end of the same the following, to wit:

but all suits pending in said courts in which the United States are plaintiffs shall remain suspended, and no further proceedings shall be had therein until the independence of this Confederacy shall be recognized by the United States; and execution of all judgments rendered in favor of said United States is hereby suspended, and all seizures on executions heretofore made in behalf of the said United States are hereby declared to be inoperative and void, and shall not be renewed until recognition be made of the independence of this Confederacy as aforesaid.

On motion of Mr. Smith, the following was added to the end of the section as amended, viz:

But this section shall be subject to such disposition of the causes therein provided for as has been made by the several States before the adoption of the Provisional Constitution, unless said States shall conform their legislation to the provisions in this act contained.

Mr. Memminger moved that the following be an additional section, to be numbered section 48, viz:

SEC. 48. All judgments, orders, and decrees made by any State court since the date of the secession of such State, upon any subject or matter which before such secession was within the jurisdiction of the courts of the United States, shall have the force and effect of judgments, orders, and decrees of the courts herein established, with the privilege of either party to appeal or sue out a writ of error.

The motion was agreed to.

The forty-ninth section being as follows:

SEC. 49. Where cases are now pending in the Supreme Court of the United States upon appeal or writ of error, from any court of the States now forming the Confederate States, it shall be lawful for the appellant or plaintiff in error, at any time within twelve months from this date, to dismiss such appeal or writ of error and file a transcript of the record and a copy of the bond for the appeal or writ of error in the Supreme Court of the Confederate States, and thereupon the same shall be considered in all respects as if it had been originally filed in the said Supreme Court of the Confederate States, and shall be heard and determined in said court according to the laws in force at the time said cause was determined in the court below, and the rights of the respective parties shall be the same as when said cause was taken up to the Supreme Court of the United States. And if such cause shall not be transferred in twelve months as aforesaid, then the judgment of the court from which the appeal or writ of error was taken shall be deemed final and in all things affirmed. And in case of such transfer, the bond given for the appeal or writ of error shall be and remain in full force in the court of the Confederate States.

On motion of Mr. Clayton, the same was amended by adding thereto the following:

and in cases where the transcripts of records have already been printed in the Supreme Court of the United States under the rules thereof, such printed copy, duly certified by the clerk of that court, may be filed in the Supreme Court of these Confederate States, and it shall not be necessary to have a new transcript made by the clerk of the court from which the appeal or writ of error is prosecuted.

The proviso of the fiftieth section being in the following words, to wit:

*Provided*, That such judgment or decree was rendered before the secession of the State from which such cause went to the Supreme Court.

Mr. Toombs moved to strike out the same and insert in lieu thereof the following:

*Provided*, That no plea to the jurisdiction arising out of the secession of the State from which such cause or causes may have been carried up, was pleaded before judgment, and where the party against whom judgment was rendered appeared and answered.

The States voted thereon as follows:

Yea: Georgia.

Nay: Alabama, Florida, Louisiana, Mississippi, South Carolina, and Texas.

The motion was lost.

Mr. Clayton offered the following as an additional section, to be section fifty-third:

SEC. 53. Where, by the laws of any State, its penitentiary or jails may be used by the courts or marshals of the Confederate States, the same shall be so used whenever necessary; but if in any State there be no law authorizing their use, then it shall be the duty of the marshal to provide a suitable place or places for the custody and confinement of all persons or convicts who may be committed to his custody by competent legal authority.

The motion prevailed.



On motion of Mr. Smith, the following was agreed to as an additional section, to be section 54, viz:

SEC. 54. From all judgments or decrees which shall be rendered in causes pending in the courts of the United States at the time of the secession of the States in which the same were, and which causes shall be transferred to and decided by the courts of this Confederacy, writs of error or appeal may lie to the Supreme Court of this Confederacy when the sum or matter in controversy exceeds the sum of two thousand dollars.

Congress then recurred to the consideration of the eighth section; being as follows:

SEC. 8. The judge of each district shall appoint the times and places of holding the courts in his district, and where, under the laws of the United States, his State was divided into two or more districts, he shall annually hold not less than two terms of his court in each of those districts, as they existed on the first day of November, eighteen hundred and sixty. And the counties, districts, or parishes which constitute the divisions of his district, shall be the same as those which constituted the different districts under the laws aforesaid.

Mr. Sparrow moved to amend the same by inserting after the words "November, eighteen hundred and sixty," the following:

But in Louisiana he shall only be required to hold his court out of New Orleans at such time or times as he may consider the public interest requires him to do so.

The motion prevailed.

On motion of Mr. Wright, the first sentence of the fourth section was amended by adding thereto the following words, to wit: "and said clerks shall not be connected with the said judge by blood or marriage."

Mr. Hemphill moved to amend the twelfth section; which is as follows, viz:

SEC. 12. Suits in equity shall not be sustained in any of the courts of the Confederate States in any case where plain, adequate, and complete remedy may be had at law. And in any State in which there is or may be no separate court of equity, the district court shall administer and decide on matters of equity according to the course of practice in the courts of such State,

By adding to it the words:

And in any State in which there is no distinction between law and equity, the district court shall administer and decide the matters in suit, whether legal or equitable, according to the course of practice in the courts of such State.

Mr. Toombs demanded the question; which was seconded, and the motion was lost, the States voting as follows:

Yea: Louisiana and Texas.

Nay: Alabama, Georgia, Mississippi, and South Carolina.

Florida being divided.

Mr. Chilton offered the following as an additional section, to wit:

The laws of the several States which have been passed since the secession of such States respectively providing for staying executions and the collection of judgments shall not apply to judgments or decrees rendered in the district courts respectively in said States before such secession: *Provided*, That this section shall not apply to such laws as may have been passed appertaining to executions on judgments or decrees of such district courts between the period of the withdrawal of such State and the formation of the Provisional Government for the Confederate States.

Mr. Waul thereon demanded the question; which was seconded, and the motion was lost.

Mr. Smith demanded the question on the engrossment of the bill as amended for a third reading. The demand was sustained and the bill as amended was ordered to be engrossed.



The bill was then read a third time, and on the passage of the bill, Mr. Morton, at the instance of the State of Florida, called for the yeas and nays of the entire body; which were taken and recorded as follows:

Alabama—Yea: Messrs. Smith, Hale, McRae, and Fearn. Nay: Messrs. Curry and Chilton.

Florida—Nay: Messrs. Morton and Anderson.

Georgia—Yea: Mr. Howell Cobb.

Louisiana—Yea: Messrs. Perkins, Conrad, and Sparrow.

Mississippi—Yea: Messrs. Wilson, Clayton, Barry, and Harrison.

South Carolina—Yea: Mr. Memminger. Nay: Messrs. Barnwell and Miles.

Texas—Yea: Messrs. Hemphill and Waul. Nay: Mr. Ochiltree.

The bill passed.

A message was received from the President that he had approved and signed

A resolution to authorize the employment of a special messenger to Texas to carry a copy of the Constitution.

Mr. Chilton, from the Committee on Postal Affairs, reported

A bill vesting certain powers in the Postmaster-General; which was read a first and second time and ordered to be placed on the Calendar.

Mr. Anderson introduced

A bill to be entitled "An act to amend an act entitled 'An act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida;'"

which was also read twice and placed on the Calendar.

Mr. Memminger introduced a bill relative to the port of Augusta, Ga.; which, on motion of Mr. Curry, was referred to the Committee on Commercial Affairs.

Mr. Hemphill offered the following resolution:

*Resolved*, That the Judiciary Committee be instructed to report, as early as possible, a bill establishing the fees to be allowed to district attorneys of the Confederate States;

which was agreed to.

On motion of Mr. Clayton, the President was authorized to appoint two members to serve on the Committee on Judiciary during the absence of the regular members belonging to the committee.

Whereupon, the President appointed Mr. Hemphill and Mr. Smith.

On motion of Mr. Sparrow,

Congress adjourned till 10 o'clock to-morrow.

THURSDAY, MARCH 14, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Blue.

The Journal of yesterday was read and approved.

Mr. Ochiltree laid before Congress a communication from S. Sherman; which was referred to the Committee on Military Affairs.

Mr. Clayton, from the Committee on Judiciary, reported

A bill to be entitled "An act to establish a court of admiralty and maritime jurisdiction in the State of Mississippi for the counties lying on the Mississippi River in said State;"

which was ordered on the Calendar and to be printed.

The Chair laid before Congress estimates of the Secretary of the Treasury for the expenses of the Post-Office Department; which were referred to the Committee on Finance.

Mr. Waul presented a communication; which was referred to the Committee on Military Affairs.

Mr. Sparrow, from the Committee on Military Affairs, reported the following resolution:

*Resolved*, That the communication of H. A. Gericke, of Louisiana, in relation to friction caps for firing cannon be referred to the Secretary of War with instructions to have the said caps tried and report thereon.

The resolution was adopted.

Mr. Conrad, from the Committee on Naval Affairs, reported sundry papers which had been referred to said committee with a view to having them deposited in the Navy Department. It was ordered that the same be delivered to the Secretary of the Navy.

The regular orders on the Public Calendar were postponed for the time and Congress went into secret session; and after remaining some time therein, adjourned till 12 o'clock to-morrow.

#### SECRET SESSION.

Congress being in secret session the following communication from the President was laid before Congress by the Chair and referred to the Committee on Indian Affairs:

EXECUTIVE DEPARTMENT, *March 12, 1861.*

HON. HOWELL COBB,  
*President of the Congress.*

SIR: To enable the Secretary of War most advantageously to perform the duties devolved upon him in relation to the Indian tribes by the second section of the act to establish the War Department of February 21, 1861, it is deemed desirable that there should be established a bureau of Indian affairs, and if the Congress concur in this view I have the honor respectfully to recommend that provision be made for the appointment of a commissioner of Indian affairs and for one clerk to aid him in the discharge of his official duties.

JEFFERSON DAVIS.

Mr. Wilson, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act amendatory of an act for the organization of the staff departments of the Army, and an act for the establishment and organization of the Army of the Confederate States of America.

Mr. Perkins offered the following resolution:

*Resolved*, That the Provisional Government has no power or jurisdiction over the public lands, forts, arsenals, navy-yards, light-houses, and other public establishments within the limits of the several States. Congress, however, recommends to the said States that they should cede to the Confederate States so much of the lands reserved by the Government of the United States or other vacant public lands in their respective limits as may be necessary for timber or lumber for naval or other purposes of public concern.

Mr. Perkins demanded the question on agreeing to the resolution; which was seconded, and the vote thereon, being taken by States, is as follows:

Yea: Florida, Louisiana, and South Carolina.

Nay: Alabama, Georgia, Mississippi, and Texas.

The motion was lost.

Congress then resumed the consideration of the report of the judiciary on public lands; and after some discussion, on motion of Mr. Toombs, the same was recommitted to the Committee on the Judiciary, the States voting thereon as follows, viz:

Yea: Alabama, Florida, Georgia, Mississippi, and Texas.

Nay: Louisiana and South Carolina.

Mr. Toombs, from the Committee on Finance, reported

A bill to exempt from duty certain articles of merchandise therein named;

which was read the first and second times, put on the Calendar, and ordered to be printed.

Mr. Chilton offered the following resolution:

*Resolved*, That Alexander B. Clitherall be, and is hereby, appointed one of the assistant secretaries of this body, and that his compensation shall date, as such, from the commencement of this session.

The resolution was agreed to.

Mr. Anderson reported

A bill supplementary to and amendatory of an act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida.

The bill was read the first and second times, reported by sections, engrossed, read the third time, and passed.

Mr. Miles reported

A bill to provide for the payment of light money in the Confederate States;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Clayton reported

A bill to authorize the President alone to make certain appointments; which was read the first and second times, engrossed, read a third time, and passed.

Congress took up the bill making appropriations for the legislative, executive, and judicial expenses of Government for the year ending February 4, 1862,

Mr. Toombs filing the estimates of the heads of Departments.

Mr. Toombs reported

A bill to appoint a second auditor for the Treasury Department; which was read the first and second times, engrossed, read a third time, and passed.

Mr. Lewis being absent on account of sickness when the Constitution of the Confederate States of America was adopted, asked and obtained leave to record his vote in favor of the adoption of the same.

A message was received from the President, through his Private Secretary, Mr. Josselyn, that he had approved and signed

An act amendatory of an act for the organization of the staff departments of the Army, and an act for the establishment and organization of the Army of the Confederate States of America; also

A resolution accepting certain funds tendered to the Confederate States by the State of Louisiana.

Mr. Ochiltree offered the following resolution; which was agreed to, viz:

*Resolved*, That the Secretary of State be requested to have five hundred copies of the titles of the acts and resolutions of this Congress from which the injunction of

secrecy has been removed, printed for the use of the members and forwarded to their respective addresses.

Mr. Curry offered

A bill to define and fix the pay of the officers of the Congress of the Provisional Government; which was taken up, read the first and second times, and the second section, defining and fixing the pay of engrossing and enrolling clerk at five dollars,

On motion of Mr. Curry, the same was amended by striking out "five" and inserting in lieu thereof the word "six."

The bill as amended was engrossed, read a third time, and passed.

Mr. Chilton presented the accounts of Messrs. Davis and Blue, for stationery, etc., for former, and for clerical service for the latter; which were referred to the Committee on Accounts.

The Congress resumed the consideration of the bill vesting certain powers in the Postmaster-General.

On motion of Mr. Chilton, the same was amended by adding thereto two additional sections, to be numbered sections 5 and 6, respectively.

The bill was engrossed as amended, read a third time, and passed.

Congress took up for consideration the

Bill to authorize the purchase or construction of ten gunboats; which was engrossed, read a third time, and passed.

Mr. Rhett reported

A bill to authorize the appointment of commercial agents or consuls to foreign ports;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Clayton, from the Committee on the Judiciary, to which was recommitted the report on public lands, reported the following resolution:

*Resolved*, That the Congress do recommend to the respective States to cede the forts, arsenals, navy-yards, dockyards, and other public establishments within their respective limits to the Confederate States, and moreover, to cede so much of the lands reserved heretofore by the Government of the United States, or other public vacant lands in their respective limits as may be necessary for timber or lumber for naval or other purposes of public concern; and that the said States do also acknowledge their liability to indemnify the Confederate States for any amount which the Confederate States may by treaty undertake to account for to the United States, for or on account of the public lands received by each State, and that the President of Congress be requested to communicate this resolution and the accompanying report to the governors of the respective States;

which was taken up; and

Mr. Conrad moved to amend the resolution by striking out all after the words "for timber or lumber for naval or other purposes of public concern," and the vote thereon, being taken by States, is as follows:

Yea: Florida, Georgia, Louisiana, South Carolina, and Texas.

Nay: Alabama and Mississippi.

The motion prevailed.

Mr. Withers moved to amend the resolution by adding the following, to wit:

*Resolved further*, That in case of such cession, the President be, and he is hereby, authorized and empowered to take charge of any such property ceded.

The motion prevailed.

And the resolution as amended reads as follows:

*Resolved*, That the Congress do recommend to the respective States to cede the forts, arsenals, navy-yards, dockyards, and other public establishments within their



respective limits to the Confederate States, and moreover, to cede so much of the lands reserved heretofore by the Government of the United States, or other public vacant lands in their respective limits as may be necessary for timber or lumber for naval or other purposes of public concern.

*Resolved further,* That in case of such cession, the President be, and he is hereby, authorized and empowered to take charge of any such property ceded.

Mr. Clayton reported from the Judiciary Committee

A bill to amend the laws relative to the compensation of the attorneys of the Confederate States; which was read the first and second times, engrossed, read a third time, and passed.

A message was received from the President, by his Secretary, Mr. Josselyn, that he had approved and signed

An act to regulate foreign coins in the Confederate States of America.

On motion of Mr. Toombs,

Congress adjourned until 12 m. to-morrow.

## FRIDAY, MARCH 15, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment.

After prayer, Mr. Wright of Georgia presented a communication from Mr. B. F. Jones on the subject of a tariff; which was referred to the Committee on Finance.

Mr. Waul presented an abstract of the journal of the State convention of Texas, accompanied by an ordinance of said State; which are as follows, viz:

AUSTIN, TEX., March 4, 1861.

The convention met pursuant to adjournment.

Roll call. Quorum present.

Mr. T. J. Chambers offered the following resolution; which was adopted:

*Resolved by the convention of the State of Texas,* That the president and secretary of this convention do now proceed to count the votes of the people upon the ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled "the Constitution of the United States of America," and to proclaim the result.

Upon counting the vote, it resulted as follows: For secession, 36,450 votes; against secession, 11,268 votes. Majority for secession, 25,182 votes, and the president announced that the ordinance had been ratified by a large majority of the voters of the State of Texas, and that the State of Texas was and had been since March 2, 1861, a free, sovereign, and independent nation of the earth, and that her citizens were absolved from all other allegiance than to her as such.

I certify that the above and foregoing is a true and correct extract from the journal of the convention of date March 4, A. D. 1861.

R. T. BROWNRIGG,

*Secretary to the Convention of the State of Texas.*

Approved:

O. M. ROBERTS,

*President Convention.*

An ordinance in relation to a union of the State of Texas with the Confederate States of America.

Whereas the convention of this State has received information that the Congress of the Confederate States of America, now in session at the city of Montgomery, in the State of Alabama, has adopted a Constitution for a Provisional Government, which Constitution is modeled on that of the United States of America; and

Whereas as a seceded State it becomes expedient and proper that Texas should join said Confederacy and share its destinies; and

Whereas a delegation consisting of seven members has already been elected by the convention to the Congress of the Confederacy aforesaid: Therefore, ✓

SECTION 1. *The people of Texas in convention assembled have ordained and declared and do hereby ordain and declare*, That the delegation aforesaid to the Congress aforesaid be, and they are hereby, instructed, and we do accordingly instruct them in behalf of the State and as representing its sovereign authority, to apply for the admission of this State into said Confederacy, and to that end and for that purpose to give in the adhesion of Texas to the Provisional Constitution of said Confederate States; and which said Constitution this convention hereby approves, ratifies, and accepts.

SEC. 2. *Be it further ordained*, That the delegation appointed by this convention to the Congress of the Confederate States be, and they are hereby, authorized to act in said Congress as the duly accredited representatives of the State of Texas: *Provided, however*, That any permanent constitution which may be formed by said Congress shall not become obligatory on this State until approved by the people in such way as shall be determined upon.

SEC. 3. *Be it further ordained*, That the president of the convention immediately transmit, through such channel as he may elect, a copy or copies of this ordinance to the Congress at Montgomery, and the members of Congress from this State.

Done at the city of Austin, on the 5th day of March, A. D. 1861.

O. M. ROBERTS,  
*President of the Convention.*

Attest:

R. T. BROWNRIGG,  
*Secretary to the Convention.*

I certify that the above and foregoing is a true and correct copy of the original ordinance adopted by the convention of the people of Texas at Austin, on the 5th day of March, A. D. 1861, and now on file in my office.

R. T. BROWNRIGG,  
*Secretary to the Convention.*

Mr. Curry offered

Resolutions in relation to the contingent fund of Congress; which were read a first and second time, engrossed, read a third time, and passed.

The Chair laid before Congress estimates from the Department of Secretary of the Treasury; which were referred to the Committee on Finance.

Congress went into secret session; and after spending some time therein, adjourned until 12 m. to-morrow.

#### SECRET SESSION.

Congress having gone into secret session,

The Journal of yesterday was read and approved.

Mr. Conrad offered the following resolution:

*Resolved*, That the President of the Confederate States be requested, as soon as the number of States required for its adoption shall have ratified the permanent Constitution, to transmit a copy thereof, together with a copy of this resolution, to each of the slaveholding States that have not joined this Confederacy.

The resolution was adopted.

On motion of Mr. Clayton, the injunction of secrecy as to the President's veto and the proceedings of Congress on the bill relative to the African slave trade was removed.

Mr. Toombs, from the Committee on Finance, reported

A bill to be entitled "An act to authorize the transit of merchandise through the Confederate States."

Congress having proceeded to its consideration, the bill was read a first and second time, engrossed, read a third time, and passed.

Mr. Toombs, from the same committee, reported

A bill to be entitled "An act to repeal the third section of an act to exempt from duty certain commodities therein named, and for other purposes."

The bill was read a first and second time, engrossed, read a third time, and passed.

Mr. Toombs, from the same committee, also reported

A bill to be entitled "An act making appropriations for the custom-houses in New Orleans and Charleston, and for other purposes."

The bill was considered, read a first and second time, engrossed, read a third time, and passed.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to be entitled "An act supplementary to an act entitled 'An act to organize the Navy;'"

which was read a first and second time, engrossed, read a third time, and passed.

Mr. Conrad, from the same committee, reported

A resolution to pay certain naval officers their traveling expenses; which was read a first and second time, engrossed, read a third time, and passed.

Mr. Wilson, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations for the legislative, executive, and judicial expenses of Government for the year ending February 4, 1862;

Resolutions in reference to forts, dockyards, reservations, and property ceded to the Confederate States;

An act to authorize the appointment of commercial agents or consuls to foreign ports;

An act to authorize the construction or purchase of ten gunboats;

An act to define and fix the pay of the officers of the Congress of the Provisional Government;

An act to amend an act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida;

An act to provide for the payment of light money in the Confederate States;

An act to appoint a second auditor of the Treasury;

An act authorizing the President alone to make certain appointments;

An act vesting certain powers in the Postmaster-General;

An act to amend the laws relative to the compensation of the attorneys of the Confederate States; also

An act to provide for the organization of the Navy.

Mr. Morton, from the Committee on Indian Affairs, reported

A bill to be entitled "An act to establish the bureau of Indian affairs;" which was read a first and second time, engrossed, read a third time, and passed.

Mr. Morton introduced

A bill to be entitled "An act to carry into effect the provisions of an act of the legislature of Florida."

Mr. Memminger moved to refer the bill to the Committee on Finance.

The States voted thereon as follows:

Yea: Alabama, Georgia, Mississippi, South Carolina, and Texas.

Nay: Florida and Louisiana.

The motion prevailed.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to be entitled "An act making appropriations for the support of the Navy for the year ending fourth February, eighteen hundred and sixty-two."

On motion of Mr. Conrad, the ninth clause was stricken out and the

words of the tenth clause, to wit, "the same amounting in the aggregate to two million and sixty-five thousand one hundred and ten dollars," were also stricken out.

The bill as amended was read a third time and passed.

Mr. Curry offered the following resolution; which was agreed to, viz:

*Resolved*, That the Secretary of Congress be charged with the care and distribution of all matter printed for the Congress and of the stationery of the Congress.

Congress proceeded to the consideration of

A bill to be entitled "An act to exempt from duty certain articles of merchandise therein named."

The first section being as follows, to wit:

SECTION 1. *The Confederate States of America do enact*, That all railroad iron, cars, and other materials connected with the construction of roads, and running their trains, and all other dutiable commodities bona fide purchased within the late United States by any person or corporation before the eighteenth day of February, eighteen hundred and sixty-one, which may be imported into the Confederate States after the fifteenth day of March, eighteen hundred and sixty-one, within a reasonable time after delivery by the seller, in pursuance of contract of purchaser, shall be free and exempt from duty.

On motion of Mr. Toombs, the same was stricken out and the following inserted in lieu thereof, to wit:

*The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury is hereby authorized and empowered to remit the duty in all cases where commodities were bona fide purchased or contracted for on or before the eighteenth day of February last, within the late United States, where the importer has not been able to comply with the provisions of the act to define more accurately the exemption of certain goods from duty, which required that the goods, wares, and merchandise should have been actually laden on board of the exporting vessel or conveyance destined for any port in this Confederacy on or before the fifteenth day of March in the present year: *Provided*, Such testimony is furnished the Secretary of the Treasury by the importer that it was impossible to comply with the provisions of said act, and also the demand and collection of said duty has operated injuriously to him or them beyond the commercial effect upon articles of consumption by the imposition of duties.

The second section being as follows:

SEC. 2. *And be it further enacted*, That all books, pamphlets, and tracts, and other publications printed and published by any church or benevolent society, whose organization extends to and embraces citizens of the Confederate States, shall be free and exempt from duty.

Mr. Curry moved to strike out the same.

The motion was lost.

The bill then, as amended, was engrossed, read a third time, and passed.

Mr. McRae introduced

A bill to be entitled "An act to fix the duties on the articles therein named."

Mr. Curry moved to amend the bill by adding thereto the following words, viz:

That the provisions of this act be extended to all railroad iron now in any warehouse in the Confederate States.

The motion was lost.

Mr. Clayton moved to amend the bill by striking out the word "coal" and adding the following, to wit: "*Be it further enacted*, That coal shall be free of duty;" which was lost, the States voting:

Yea: Georgia and Louisiana.



Nay: Alabama, Mississippi, South Carolina, and Texas.

Florida divided.

Mr. Conrad moved to amend the bill by making the duty on coal 10 per cent; which was also lost, the States voting:

Yea: Florida, Georgia, and Louisiana.

Nay: Alabama, Mississippi, South Carolina, and Texas.

On motion of Mr. McRae, the bill was amended by adding thereto the following words: "This act shall go into effect on the first day of May next."

On motion of Mr. Memminger, the bill was further amended by adding the following, viz: "The reduction of duty allowed by this act shall not extend to goods, wares, and merchandise in bond."

The bill as amended was then engrossed, read a third time, and passed.

On motion of Mr. Miles, the Committee on Military Affairs were discharged from the consideration of all bills, resolutions, memorials, etc., relating to the subject of establishing an army for the Confederate States of America and said papers ordered to be delivered to the War Department.

Mr. Wilson, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the transit of merchandise through the Confederate States;

An act to exempt from duty certain articles of merchandise therein named;

An act to fix the duties on the articles therein named;

An act to establish the bureau of Indian affairs;

Resolutions in relation to the contingent fund of Congress;

An act making appropriations for the support of the Navy for the year ending February 4, 1862;

A resolution to pay certain naval officers their traveling expenses;

An act making appropriations for the custom-houses at New Orleans and Charleston, and for other purposes;

An act supplementary to an act entitled "An act to organize the Navy;" and

An act to repeal the third section of an act to exempt from duty certain commodities therein named, and for other purposes.

A message was received from the President submitting estimates for the War Department and the Post-Office Department; which were referred to the Committee on Finance.

On motion of Mr. Harrison,

Congress adjourned till 12 o'clock to-morrow.

SATURDAY, MARCH 16, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Henderson.

The Journal of yesterday was read and approved.

Mr. Hale introduced

A bill to be entitled "An act supplemental of an act to define and fix the pay of the officers of the Congress."

Congress having proceeded to its consideration, the bill was read a first and second time, engrossed, read a third time, and passed.

Mr. Hale offered

A resolution providing for the auditing and paying certain claims against the Congress; which was read a first and second time, engrossed, read a third time, and adopted.

Mr. Rhett offered the following resolution:

*Resolved*, That as soon as the signatures of the members of this convention are placed on the enrolled Constitution of the Confederate States, the president of this convention shall cause the same to be lithographed and copies thereof to be sent to each of the Confederate States.

The resolution was adopted.

Mr. Clayton, from the Committee on Judiciary, reported

A bill to be entitled "An act to prohibit the introduction of slaves from any State not a member of this Confederacy;" which was read a first and second time and ordered to be placed on the Public Calendar.

Mr. Wilson, from the Committee on Patents, reported back sundry letters and memorials on the subject of patents; which have been referred to the committee, and ask to be discharged from further consideration of the same.

The papers were ordered to be placed on the files of the Congress.

The regular orders on the Public Calendar were postponed for the time and Congress went into secret session; and after remaining some time therein, adjourned until the second Monday of May next.

#### SECRET SESSION.

The Congress being in secret session,

Mr. Clayton reported a bill to prevent the importation of African negroes, etc.; which was read the first and second time and ordered to be placed on the Calendar and printed.

Mr. Wilson, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution to provide for the auditing and payment of certain claims against the Congress; and

An act supplemental to an act to fix the pay of the officers of the Congress.

Mr. Clayton offered the following:

A bill to amend an act entitled "An act authorizing the President alone to make certain appointments;" which was read the first and second times.

The first section having been read as follows, viz:

That an act described in the caption hereof shall be held and construed to extend to and comprehend the appointment of all officers, civil, military or naval, not expressly required by the Constitution, or some act of Congress heretofore passed, to be appointed by the President, by and with the advice and consent of the Congress; but any such appointments shall be submitted to the Congress when it reassembles, for its advice and consent.

Mr. Conrad moved to amend by striking out the same and inserting in lieu thereof the following:

That the act described in the caption hereof shall be held and construed to authorize the President to appoint, during the recess of Congress, all officers, civil, military, and naval, established by law: *Provided*, Such appointments shall be submitted to the Congress when it reassembles, for its advice and consent.

The vote thereon, being taken by States, is as follows, viz:

Yea: Alabama, Florida, Louisiana, Mississippi, and South Carolina.

Nay: Georgia and Texas.

The motion to amend prevailed.

The bill as amended was engrossed, read the third time, and passed.

Mr. Toombs reported

A bill to authorize the Secretary of the Treasury to appoint special agents in certain cases;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Toombs also reported

A bill to appropriate money for certain civil purposes;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Hemphill, from the Committee on Finance, reported

A bill making appropriations for the service of the Post-Office Department for the fiscal year ending the 1st of March, 1862;

which was read the first and second times, engrossed and read a third time, and passed.

Mr. Hemphill, from the same committee, also reported

A bill making additional appropriations for the support of the Army, etc.;

which was read the first and second times, engrossed, read a third time, and passed.

A message was received from the President suggesting an appropriation of \$5,000 for salaries and expenses of the Bureau of Indian Affairs; which was referred to the Committee on Finance.

The following message was also received from the President:

EXECUTIVE DEPARTMENT, *March 16, 1861.*

*Mr. President:* The President on yesterday approved and signed the following acts passed by the Congress, to wit:

An act making appropriations for the legislative, executive, and judicial expenses of Government for the year ending 4th of February, 1862;

An act to authorize the appointment of commercial agents or consuls to foreign ports;

An act to authorize the construction or purchase of ten gunboats;

An act to define and fix the pay of the officers of the Congress of the Provisional Government;

An act to amend an act entitled "An act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida;"

An act vesting certain powers in the Postmaster-General;

An act to amend the laws relative to the compensation of the attorneys of the Confederate States;

An act to appoint a Second Auditor of the Treasury;

An act to establish the Bureau of Indian Affairs;

An act to exempt from duty certain articles of merchandise therein named;

An act to fix the duties on the articles therein named;

An act making appropriations for the support of the Navy for the year ending 4th of February, 1862;

An act making appropriations for the custom-houses at New Orleans and Charleston, and for other purposes;

An act to authorize the transit of merchandise through the Confederate States; and

An act to repeal the third section of an act to exempt from duty certain commodities therein named, and for other purposes.

Also the following resolutions, to wit:

A resolution in reference to forts, dockyards, reservations, and property ceded to the Confederate States;

A resolution to pay certain naval officers their traveling expenses; and

Resolutions in relation to the contingent fund of Congress.

The President has this day approved and signed a resolution to provide for the auditing and payment of certain claims against the Congress.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Hemphill, from the Committee on Finance, reported

A bill to be entitled "An act making appropriation for the service of the Bureau of Indian Affairs;" which was read a first and second time, engrossed, read a third time, and passed.

The following message was received from the President, viz:

EXECUTIVE DEPARTMENT, *March 16, 1861.*

*Mr. President:* The President has this day approved and signed the following acts passed by the Congress, to wit:

- An act supplementary to an act entitled "An act to organize the Navy;"
- An act to provide for the organization of the Navy;
- An act to provide for payment of light money in the Confederate States;
- An act making appropriations for the service of the Post-Office Department for the fiscal year ending the 1st of March, 1862;
- An act to appropriate money for certain civil purposes;
- An act to establish the judicial courts of the Confederate States of America;
- An act authorizing the President alone to make certain appointments;
- An act supplemental [to an act] to define and fix the pay of the officers of the Congress;
- An act to authorize the Secretary of the Treasury to appoint special agents in certain cases;
- An act making appropriation for the service of the Bureau of Indian Affairs;
- An act to amend an act authorizing the President to make certain appointments; and
- An act making additional appropriations for the support of the Army for the year ending March 1, 1862.

Mr. Rhett offered a resolution expressive of the high appreciation in which the Congress held the President of the Congress and thanking him for the able and impartial manner with which he presided over its deliberations.

The resolution was unanimously adopted, and the President of the Congress responded thereto as follows, viz:

GENTLEMEN OF THE CONGRESS: Before announcing the result of the vote just taken for an adjournment, permit me to return my sincere thanks for the unusual and unexpected compliment you have just extended to me as your presiding officer. The fact that similar resolutions are unusual at the close of the first session of legislative bodies authorizes me to regard your action as no mere piece of formality. Accepting it in that spirit, I can find no words to give expression to the feelings which it has excited.

I have been associated in the legislative councils of our country for a considerable time and been familiar with our legislative bodies for many years. I can, with truth and candor, say I have never seen such a body assembled as the one over which your partiality has called me to preside. For more than six weeks you have been earnestly engaged in the discharge of your important duties; during a large portion of that time your daily sessions have extended over nine hours; your discussions have been earnest and able, upon subjects of the gravest and most exciting character, and yet during that entire period there has not been the first moment when the Chair could with propriety have called any member to order for irrelevancy in debate, nor has a word fallen from the lips of a single member calculated to mar the harmony and good feeling which have characterized your proceedings. I doubt whether any presiding officer, under such circumstances, was ever able to make a similar declaration. To have presided over such a body, engaged in such duties, I regard as the highest honor which ever has been or ever will be conferred upon me.

Having completed the great work for which we assembled—the formation of a permanent Constitution for these Confederate States—we rest for a period from our labors to receive the judgment of our constituents upon our action. Already has the proud State in which we are assembled responded in a cordial and almost unanimous voice of approval; and you will allow me to express the sincere gratification



which the unanimous response of my own noble State has excited in my own heart, and I doubt not in the heart of every true friend of Southern independence and constitutional liberty. We may look with confidence to similar responses from all the States of the Confederacy. Whatever may be the criticism of the hour upon the Constitution we have formed, I feel confident that the judgment of our people, and indeed of the world, will, in the end, pronounce it the ablest instrument ever prepared for the government of a free people. Accepting as the basis of our action that noble legacy of our Revolutionary fathers, the Constitution of the United States, we have written down in the language of truth and simplicity the principles which an honest construction of that instrument has long pronounced its true meaning. This, with such amendments as the experience of more than a half century has shown proper and necessary, is the result we present to our countrymen for their sanction and approval. Already we have the most gratifying evidence that the judgment of our constituency will be that we have done our work and done it well.

The occasion will scarcely justify me in looking to that bright future which the principles incorporated into this Constitution, if honestly adhered to, promise for our country. Long after those who have been engaged in these labors shall have passed away, and even the memory of their names be forgotten, will this favored land, under the blessings of Providence, flourish and prosper, as the home of a free, happy, and independent people.

Again returning you the sincere thanks of a grateful heart for your kindness and partiality, I announce that the Congress stands adjourned until the second Monday in May.

Congress then adjourned until the second Monday in May next

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

EXECUTIVE DEPARTMENT, *March 16, 1861.*

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: I hereby transmit for the advice and consent of the Congress the following nominations, to wit:

Andrew Gordon Magrath, to be judge of the district court for the district of South Carolina.

Henry R. Jackson, to be judge of the district court for the district of Georgia.

William G. Jones, to be judge of the district court for the district of Alabama.

William Lanier Harris, to be judge of the district court for the district of Mississippi.

Thomas J. Semmes, to be judge of the district court for the district of Louisiana.

John Hemphill, to be judge of the district court for the district of Texas.

Jesse J. Finley, to be judge of the district court for the district of Florida.

McQueen McIntosh, to be judge of the admiralty court at Key West, in Florida.

JEFFERSON DAVIS.

And the question being,

Will the Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

EXECUTIVE DEPARTMENT, *March 16, 1861.*

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: I hereby transmit for the advice and consent of the Congress the nomination of Alexander B. Clitherall, of Alabama, to be Register of the Treasury, and Bolling Baker, of Georgia, to be Auditor of the Treasury, of the Confederate States of America.

JEFFERSON DAVIS.

And the question being,

Will the Congress advise and consent to the nominations?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

EXECUTIVE DEPARTMENT, *March 16, 1861.*

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: I hereby transmit for the advice and consent of the Congress the nomination of James Sorley, of Texas, to be collector of the customs at Galveston.

JEFFERSON DAVIS.

And the question being,  
Will the Congress advise and consent to the nomination?  
It was unanimously decided in the affirmative.

The following communication was also received from the President:

EXECUTIVE DEPARTMENT, *March 16, 1861.*

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: I hereby transmit for the advice and consent of the Congress the nomination of David Hubbard, of Alabama, to be Commissioner of Indian Affairs.

JEFFERSON DAVIS.

And the question being,  
Will the Congress advise and consent to the nomination?  
It was unanimously decided in the affirmative.

The following communication was also received from the President:

MONTGOMERY, ALA., *March 16, 1861.*

*To the President of the Congress, Confederate States of America:*

I nominate for appointment in the Army the persons named in the accompanying list, as recommended by the Secretary of War.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,  
*Montgomery, Ala., March 15, 1861.*

SIR: I have the honor to recommend the following nominations for appointments in the Army of the Confederate States of America:

*Brigadier-general.*

Samuel Cooper, Virginia.

ADJUTANT-GENERAL'S DEPARTMENT.

*Lieutenant-colonel.*

George Deas, Louisiana.

*Majors.*

David R. Jones, Georgia; Hugh Lawson Clay, Alabama.

*Captains.*

John Withers, Mississippi; Robert C. Wood, Louisiana.

QUARTERMASTER'S DEPARTMENT

*Lieutenant-colonel.*

Abraham C. Myers, Louisiana.

*Majors.*

Larkin Smith, Virginia; William L. Cabell, Virginia; J. Lawrence Calhoun, Georgia.

SUBSISTENCE DEPARTMENT.

*Captains.*

John T. Shaaff, District of Columbia; William F. Howell, Louisiana; John M. Galt, Georgia.

## CORPS OF ENGINEERS.

*Majors.*

William H. C. Whiting, Mississippi; Danville Leadbetter, Alabama.

*Captains.*

Walter H. Stevens, Texas; William R. Boggs, Georgia; William H. Echols, Alabama; Edward P. Alexander, Georgia; Samuel H. Lockett, Alabama.

## CORPS OF ARTILLERY.

*Majors.*

Samuel G. French, Mississippi; Thomas G. Rhett, South Carolina; E. Kirby Smith, Florida; John G. Barnwell, South Carolina.

*Captains.*

William G. Gill, Virginia; John H. Forney, Alabama; George T. Andrews, South Carolina; John C. Booth, Georgia; John C. Moore, Tennessee; Johnson K. Duncan, Louisiana; Stephen D. Lee, South Carolina; John B. Villepigue, South Carolina; William D. Pender, North Carolina; Alfred B. Chapman, Alabama; Frederick L. Childs, South Carolina; Philip R. Stockton, South Carolina; Hypolite Oladowski, Louisiana.

*First lieutenants.*

William Butler, South Carolina; Joseph P. Jones, North Carolina; Edward F. Bagley, Alabama; George S. James, South Carolina; Charles D. Anderson, South Carolina; Alfred T. A. Torbert, Delaware; Fitzhugh Lee, Virginia; Thomas J. Berry, Georgia; Moses J. White, Mississippi; James H. Hallonquist, South Carolina; Robert F. Beckham, Virginia; Joseph Wheeler, Georgia; John R. B. Burtwell, Alabama; Benjamin F. Sloan, South Carolina; Francis A. Shoup, Florida; John Gibbes Barnwell, South Carolina; James L. Kennard, Mississippi; S. C. Williams, Georgia; John Pelham, Alabama; Thomas L. Rosser, Texas; Wright Rives, District of Columbia; Alfred Rhett, South Carolina.

*Second lieutenants.*

John O'Brien, Texas; Charles P. Ball, Alabama; Lucien D. Sandidge, Louisiana; George H. Frost, Louisiana; Felix H. Robertson, Texas; P. M. B. Young, Georgia; John Lane, Oregon; John H. Kelly, Alabama; George N. Reynolds, South Carolina; R. L. Sweetman, Florida.

## INFANTRY.

*Colonel.*

Earl Van Dorn, Mississippi.

*Lieutenant-colonels.*

James Longstreet, Alabama; Franklin Gardner, Louisiana.

*Majors.*

Lafayette McLaws, Georgia; Alfred Cumming, Georgia.

*Captains.*

James McIntosh, Florida; William S. Walker, Florida; John W. Frazer, Mississippi; John Dunovant, South Carolina; Thomas R. McConnell, Georgia; Theodore O'Hara, Alabama; James L. Corley, South Carolina; George W. Carr, Virginia; Alfred Iverson, jr., Georgia; Robert G. Cole, Florida; Philip A. Owen, Alabama; Edwin J. Harvie, Virginia; William M. Walker, Alabama; S. Moses Philips, Mississippi; N. G. Watts, Mississippi; John J. A. A. Mouton, Louisiana; John D. Walker, Georgia; John Scott, Virginia; Glover A. Ball, Florida; W. W. Kirkland, Georgia.

*First lieutenants.*

Alfred E. Latimer, South Carolina; Richard V. Bonneau, South Carolina; Melancthon Smith, Alabama; Arthur Shaaff, Georgia; Alexander B. Montgomery, Georgia; Aurelius F. Cone, Georgia; George W. Holt, Alabama; Paul J. Quattlebaum, South Carolina; H. C. McNeill, Texas; Bryan M. Thomas, Georgia; J. D. Balfour, Mississippi; W. C. Porter, Louisiana; William F. Barnwell, South Carolina; Jefferson Davis Bradford, Mississippi; Robert Inge Smith, Alabama; E. Lawton, Georgia; A. M. Rowland, Georgia; H. Lord King, Georgia; V. D. Groner, Mississippi.

*Second lieutenants.*

Edward S. Willis, Georgia; James Barrow, Georgia; O. J. Semmes, Alabama; J. G. Blount, Georgia; James Hamilton, South Carolina; H. L. Farley, South Carolina; Joseph K. Dixon, Mississippi; John R. Blocker, South Carolina; Benjamin King, District of Columbia; James E. McP. Washington, South Carolina; T. J. Brnton, Georgia; Alfred M. O'Neal, Alabama; J. G. Ashe, Florida; John Percy Walker, Alabama; Campbell Tracy, Georgia; Thomas W. Hunt, Mississippi; J. M. Berrien, Georgia; Samuel B. Pickens, South Carolina; J. T. W. Hairston, Mississippi; William B. Ochiltree, Texas; Samuel F. Rice, jr., Alabama; Peyton T. Manning, Mississippi; W. D. Humphreys, Mississippi; Colin McRae Selph, Alabama; Theodore B. Hayne, South Carolina; William Edmund Stoney, South Carolina; William DeB. Hooper, Alabama; John Bradley, Texas; William T. Trnum, Alabama; Garnett Andrews, Georgia.

Respectfully submitted.

L. P. WALKER,  
*Secretary of War.*

To the PRESIDENT.

And the question being,  
Will the Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

*To the President of the Congress of the Confederate States:*

I nominate Lawrence Rousseau, of Louisiana, late a captain in the Navy of the United States, to be a captain in the Navy of the Confederate States.

Josiah Tattnall, of Georgia, late a captain in the Navy of the United States, to be a captain in the Navy of the Confederate States.

Victor M. Randolph, of Alabama, late a captain in the Navy of the United States, to be a captain in the Navy of the Confederate States.

Duncan N. Ingraham, of South Carolina, late a captain in the Navy of the United States, to be a captain in the Navy of the Confederate States.

JEFFERSON DAVIS.

And the question being,  
Will the Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

*To the President of the Congress of the Confederate States:*

I nominate Ebenezer Farrand, of Florida, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Thomas W. Brent, of Florida, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Raphael Semmes, of Alabama, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Henry J. Hartstene, of South Carolina, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

JEFFERSON DAVIS.

And the question being,  
Will the Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.



The following communication was also received from the President:

MARCH 16, 1861.

*To the President of the Congress of the Confederate States:*

I nominate W. A. W. Spotswood, of Virginia, late a surgeon in the United States Navy, to be a surgeon in the Navy of the Confederate States.

William F. Carrington, of Virginia, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

Arthur M. Lynch, of South Carolina, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

Charles E. Lining, of South Carolina, late an assistant surgeon in the Navy of the United States, to be an assistant surgeon in the Navy of the Confederate States.

JEFFERSON DAVIS.

And the question being,

Will the Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

MARCH 16, 1861.

*To the President of the Congress of the Confederate States:*

I nominate William W. J. Kelly, of Florida, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

Henry Myers, of Georgia, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

JEFFERSON DAVIS.

And the question being,

Will the Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

MARCH 16, 1861.

*To the President of the Congress of the Confederate States:*

I nominate Felix Senac, of Florida, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

JEFFERSON DAVIS.

And the question being,

Will the Congress advise and consent to the nomination above communicated?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

MARCH 16, 1861.

*To the President of the Congress of the Confederate States:*

I nominate Francis B. Renshaw, of Pennsylvania, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

James H. North, of South Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Thomas B. Huger, of South Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John Rutledge, of South Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

C. M. Morris, of South Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

A. F. Warley, of South Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John Kell, of Georgia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Joseph Fry, of Florida, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John R. Hamilton, of South Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John R. Eggleston, of Mississippi, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

R. T. Chapman, of Alabama, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Thomas P. Pelot, of South Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William G. Dozier, of South Carolina, late a lieutenant in the United States Navy, to be a lieutenant in the Navy of the Confederate States.

John M. Stribling, of South Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Philip Porcher, of South Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Hamilton H. Dalton, of Mississippi, late a master in the line of promotion in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William E. Evans, of South Carolina, late a master in the line of promotion in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

JEFFERSON DAVIS.

And the question being,

Will the Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.

There being no further executive business, Congress resumed the consideration of the business upon the Calendar.

# PROVISIONAL CONGRESS OF THE CONFEDERATE STATES.

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*SECOND SESSION (CALLED), APRIL 29, 1861, TO MAY 21, 1861.*

*MONTGOMERY, Monday, April 29, 1861.*

OPEN SESSION.

In response to the proclamation of the President of the Confederate States, the Congress convened in extra session at the Capitol in Montgomery at the hour of noon on the 29th day of April, A. D. 1861.

An appropriate prayer was offered by the Rev. Dr. Basil Manly.

On the call of the States, it was ascertained that a quorum was present.

Mr. Walker announced the resignations of Mr. Lewis and Mr. Fearn, from the State of Alabama, and that the vacancies occasioned thereby had been filled by the appointment of Mr. Nic. Davis, jr., and Mr. H. C. Jones.

Mr. Clayton announced the resignation of Mr. Wilson, from the State of Mississippi, and the appointment of Mr. J. A. Orr in his stead.

Mr. Ochiltree announced the presence of his colleague, Mr. Wigfall.

Whereupon, the constitutional oath was administered by the President of the Congress to Messrs. Jones, Davis, Orr, and Wigfall.

Mr. Cobb moved that a committee, to consist of three members, be appointed by the Chair to inform the President that the Congress had, in response to his proclamation, assembled and were ready to receive any communication he might deem proper to make.

The motion prevailed, and the Chair appointed Messrs. Cobb, Chesnut, and Perkins as said committee.

The committee, after some time, announced, through their chairman, that they had performed the duty enjoined and required of them, and that the President, in response to the resolution adopted by the Congress, would communicate in writing.

The Chair laid before Congress a communication from James A. Lucas, president of the convention of the Territory of Arizona, together with a preamble and resolutions adopted by said convention; which were referred to the Committee on Territories.

Mr. Cobb offered a resolution to fill a clerical vacancy in the offices of the Congress:

*Resolved by the Congress of the Confederate States of America, That the Secretary of the Congress be authorized to appoint an assistant in the place of A. B. Clitherall, resigned;*

which was read a first and second time, engrossed, read a third time, and agreed to.

Mr. Ochiltree presented a communication from the governor of the Territory of Arizona, inclosing a copy of "The constitution and schedule of the provisional government of the Territory of Arizona;" which were referred to the Committee on Territories.

The following message was received from the President, viz:

GENTLEMEN OF THE CONGRESS: It is my pleasing duty to announce to you that the Constitution framed for the establishment of a permanent Government for the Confederate States has been ratified by conventions in each of those States to which it was referred. To inaugurate the Government in its full proportions and upon its own substantial basis of the popular will, it only remains that elections should be held for the designation of the officers to administer it.

There is every reason to believe that at no distant day other States, identified in political principles and community of interests with those which you represent, will join this Confederacy, giving to its typical constellation increased splendor, to its government of free, equal, and sovereign States a wider sphere of usefulness, and to the friends of constitutional liberty a greater security for its harmonious and perpetual existence.

It was not, however, for the purpose of making this announcement that I have deemed it my duty to convoke you at an earlier day than that fixed by yourselves for your meeting. The declaration of war made against this Confederacy by Abraham Lincoln, the President of the United States, in his proclamation issued on the 15th day of the present month, rendered it necessary, in my judgment, that you should convene at the earliest practicable moment to devise the measures necessary for the defense of the country.

The occasion is indeed an extraordinary one. It justifies me in a brief review of the relations heretofore existing between us and the States which now unite in warfare against us, and in a succinct statement of the events which have resulted in this warfare, to the end that mankind may pass intelligent and impartial judgment on its motives and objects.

During the war waged against Great Britain by her colonies on this continent, a common danger impelled them to a close alliance and to the formation of a confederation, by the terms of which the colonies, styling themselves States, entered "*severally* into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them or any of them on account of religion, sovereignty, trade, or any other pretense whatever."

In order to guard against any misconstruction of their compact, the several States made explicit declaration, in a distinct article, that "*each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled.*"

Under this contract of alliance, the war of the Revolution was successfully waged, and resulted in the treaty of peace with Great Britain in 1783, by the terms of which the several States were, *each by name*, recognized to be independent.

The articles of confederation contained a clause whereby all alterations were prohibited, unless confirmed by the legislatures of *every State*, after being agreed to by the Congress; and in obedience to this provision, under the resolution of Congress of the 21st February, 1787, the several States appointed delegates who attended a convention "*for the sole and express purpose of revising the articles of confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union.*"

It was by the delegates chosen by the *several States* under the resolution just quoted that the Constitution of the United States was framed in 1787, and submitted to the *several States* for ratification, as shown by the seventh article, which is in these words:

"The ratification of the *conventions of nine States* shall be sufficient for the establishment of this Constitution *between the States* so ratifying the same."

I have italicised certain words in the quotations just made for the purpose of attracting attention to the singular and marked caution with which the States endeavored, in every possible form, to exclude the idea that the separate and independent sovereignty of each State was merged into one common government and nation, and the earnest desire they evinced to impress on the Constitution its true character—that of a *compact* BETWEEN independent States.



The Constitution of 1787 having, however, omitted the clause already recited from the articles of confederation, which provided in explicit terms that each State *retained* its sovereignty and independence, some alarm was felt in the States when invited to ratify the Constitution lest this omission should be construed into an abandonment of their cherished principle, and they refused to be satisfied until amendments were added to the Constitution placing beyond any pretense of doubt the reservation by the States of all their sovereign rights and powers not expressly delegated to the United States by the Constitution.

Strange, indeed, must it appear to the impartial observer, but it is none the less true, that all these carefully worded clauses proved unavailing to prevent the rise and growth in the Northern States of a political school which has persistently claimed that the government thus formed was not a compact *between* States, but was in effect a national government, set up *above* and *over* the States. An organization created by the States to secure the blessings of liberty and independence against *foreign* aggression has been gradually perverted into a machine for their control in their *domestic* affairs; the *creature* has been exalted above its *creators*; the *principals* have been made subordinate to the *agent* appointed by themselves.

The people of the Southern States, whose almost exclusive occupation was agriculture, early perceived a tendency in the Northern States to render the common Government subservient to their own purposes by imposing burthens on commerce as a protection to their manufacturing and shipping interests. Long and angry controversy grew out of these attempts, often successful, to benefit one section of the country at the expense of the other. And the danger of disruption arising from this cause was enhanced by the fact that the Northern population was increasing by immigration and other causes in a greater ratio than the population of the South. By degrees, as the Northern States gained preponderance in the National Congress, self-interest taught their people to yield ready assent to any plausible advocacy of their right as a majority to govern the minority without control; they learned to listen with impatience to the suggestion of any constitutional impediment to the exercise of their will; and so utterly have the principles of the Constitution been corrupted in the Northern mind that in the inaugural address delivered by President Lincoln in March last he asserts, as an axiom which he plainly deems to be undeniable, that the theory of the Constitution requires that in all cases the majority shall govern; and in another memorable instance the same Chief Magistrate did not hesitate to liken the relations between a State and the United States to those which exist between a county and the State in which it is situated and by which it was created. This is the lamentable and fundamental error on which rests the policy that has culminated in his declaration of war against these Confederate States.

In addition to the long-continued and deep-seated resentment felt by the Southern States at the persistent abuse of the powers they had delegated to the Congress, for the purpose of enriching the manufacturing and shipping classes of the North at the expense of the South, there has existed for nearly half a century another subject of discord involving interests of such transcendent magnitude as at all times to create the apprehension in the minds of many devoted lovers of the Union that its permanence was impossible.

When the several States delegated certain powers to the United States Congress, a large portion of the laboring population consisted of African slaves imported into the colonies by the mother country. In twelve out of the thirteen States negro slavery existed and the right of property in slaves was protected by law. This property was recognized in the Constitution, and provision was made against its loss by the escape of the slave. The increase in the number of slaves by further importation from Africa was also secured by a clause forbidding Congress to prohibit the slave trade anterior to a certain date, and in no clause can there be found any delegation of power to the Congress authorizing it in any manner to legislate to the prejudice, detriment, or discouragement of the owners of that species of property or excluding it from the protection of the Government.

The climate and soil of the Northern States soon proved unpropitious to the continuance of slave labor, whilst the converse was the case at the South. Under the unrestricted free intercourse between the two sections, the Northern States naturally consulted their own interests by selling their slaves to the South and prohibiting slavery within their limits. The South were willing purchasers of a property suitable to their wants, and paid the price of the acquisition without harboring a suspicion that their quiet possession was to be disturbed by those who were inhibited, not only by want of constitutional authority but by good faith as vendors, from disquieting a title emanating from themselves.

As soon, however, as the Northern States that prohibited African slavery within their limits had reached a number sufficient to give their representation a controlling voice in the Congress, a persistent and organized system of hostile measures against the rights of the owners of slaves in the Southern States was inaugurated and gradually extended. A continuous series of measures was devised and prosecuted for the purpose of rendering insecure the tenure of property in slaves; fanatical organizations, supplied with money by voluntary subscriptions, were assiduously engaged in exciting amongst the slaves a spirit of discontent and revolt; means were furnished for their escape from their owners and agents secretly employed to entice them to abscond; the constitutional provision for their rendition to their owners was first evaded, then openly denounced as violative of conscientious obligation and religious duty; men were taught that it was a merit to elude, disobey, and violently oppose the execution of the laws enacted to secure the performance of the promise contained in the constitutional compact; owners of slaves were mobbed and even murdered in open day solely for applying to a magistrate for the arrest of a fugitive slave; the dogmas of these voluntary organizations soon obtained control of the legislatures of many of the Northern States, and laws were passed providing for the punishment by ruinous fines and long-continued imprisonment in jails and penitentiaries of citizens of the Southern States who should dare to ask the aid of the officers of the law for the recovery of their property. Emboldened by success, the theater of agitation and aggression against the clearly expressed constitutional rights of the Southern States was transferred to the Congress; Senators and Representatives were sent to the common councils of the nation whose chief title to this distinction consisted in the display of a spirit of ultra fanaticism, and whose business was not "to promote the general welfare or insure domestic tranquillity," but to awaken the bitterest hatred against the citizens of sister States by violent denunciation of their institutions; the transaction of public affairs was impeded by repeated efforts to usurp powers not delegated by the Constitution, for the purpose of impairing the security of property in slaves and reducing those States which held slaves to a condition of inferiority. Finally, a great party was organized for the purpose of obtaining the administration of the Government, with the avowed object of using its power for the total exclusion of the slave States from all participation in the benefits of the public domain, acquired by all the States in common, whether by conquest or purchase; of surrounding them entirely by States in which slavery should be prohibited; of thus rendering the property in slaves so insecure as to be comparatively worthless, and thereby annihilating in effect property worth thousands of millions of dollars. This party, thus organized, succeeded in the month of November last in the election of its candidate for the Presidency of the United States.

In the meantime, under the mild and genial climate of the Southern States and the increasing care and attention for the well-being and comfort of the laboring class, dictated alike by interest and humanity, the African slaves had augmented in number from about 600,000 at the date of the adoption of the constitutional compact to upward of 4,000,000. In moral and social condition they had been elevated from brutal savages into docile, intelligent, and civilized agricultural laborers; well supplied not only with bodily comforts but with careful religious instruction. Under the supervision of a superior race their labor had been so directed as not only to allow a gradual and marked amelioration of their own condition, but to convert hundreds of thousands of square miles of the wilderness into cultivated lands, covered with a prosperous people; towns and cities had sprung into existence and had rapidly increased in wealth and population under the social system of the South; the white population of the Southern slaveholding States had augmented from about 1,250,000 at the date of the adoption of the Constitution to more than 8,500,000 in 1860, and the production of the South in cotton, rice, sugar, and tobacco, for the full development and continuance of which the labor of African slaves was and is indispensable, had swollen to an amount which formed nearly three-fourths of the exports of the whole United States and had become absolutely necessary to the wants of civilized man.

With interests of such overwhelming magnitude imperiled, the people of the Southern States were driven by the conduct of the North to the adoption of some course of action to avert the danger with which they were openly menaced. With this view, the legislatures of the several States invited the people to select delegates to conventions to be held for the purpose of determining for themselves what measures were best adapted to meet so alarming a crisis in their history.

Here it may be proper to observe that from a period as early as 1798 there had existed in *all* of the States of the Union a party, almost uninterruptedly in the majority, based upon the creed that each State was in the last resort the sole judge as well of its wrongs as of the mode and measure of redress. Indeed, it is obvious that under the law of nations this principle is an axiom as applied to the relations of independent

sovereign States, such as those which had united themselves under the constitutional compact. The Democratic party of the United States repeated in its successful canvass in 1856 the declaration made in numerous previous political contests, that it would "faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798 and in the report of Mr. Madison to the Virginia legislature in 1799, and that it adopts those principles as constituting one of the main foundations of its political creed."

The principles thus emphatically announced embrace that to which I have already adverted, the right of each State to judge of and redress the wrongs of which it complains. These principles were maintained by overwhelming majorities of the people of all the States of the Union at different elections, especially in the elections of Mr. Jefferson in 1805, Mr. Madison in 1809, and Mr. Pierce in 1852.

In the exercise of a right so ancient, so well established, and so necessary for self-preservation, the people of the Confederate States in their conventions, determined that the wrongs which they had suffered and the evils with which they were menaced required that they should revoke the delegation of powers to the Federal Government which they had ratified in their several conventions. They consequently passed ordinances resuming all their rights as sovereign and independent States, and dissolved their connection with the other States of the Union.

Having done this, they proceeded to form a new compact among themselves, by new articles of confederation, which have been also ratified by the conventions of the several States with an approach to unanimity far exceeding that of the conventions which adopted the Constitution of 1787. They have organized their new Government in all its departments; the functions of the executive, legislative, and judicial magistrates are performed in accordance with the will of the people as displayed, not merely in a cheerful acquiescence, but in the enthusiastic support of the Government thus established by themselves; and but for the interference of the Government of the United States in this legitimate exercise of the right of a people to self-government, peace, happiness, and prosperity would now smile on our land.

That peace is ardently desired by this Government and people has been manifested in every possible form. Scarcely had you assembled in February last, when, prior even to the inauguration of the Chief Magistrate you had elected, you passed a resolution expressive of your desire for the appointment of commissioners to be sent to the Government of the United States "for the purpose of negotiating friendly relations between that Government and the Confederate States of America, and for the settlement of all questions of disagreement between the two Governments upon principles of right, justice, equity, and good faith."

It was my pleasure as well as my duty to cooperate with you in this work of peace. Indeed, in my address to you on taking the oath of office, and before receiving from you the communication of this resolution, I had said, "As a necessity, not a choice, we have resorted to the remedy of separation; and henceforth our energies must be directed to the conduct of our own affairs, and the perpetuity of the Confederacy which we have formed. If a just perception of mutual interest shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled."

It was in furtherance of these accordant views of the Congress and the Executive that I made choice of three discreet, able, and distinguished citizens, who repaired to Washington. Aided by their cordial cooperation and that of the Secretary of State every effort compatible with self-respect and the dignity of the Confederacy was exhausted before I allowed myself to yield to the conviction that the Government of the United States was determined to attempt the conquest of this people, and that our cherished hopes of peace were unattainable.

On the arrival of our commissioners in Washington, on the 5th March, they postponed, at the suggestion of a friendly intermediary, doing more than giving informal notice of their arrival. This was done with a view to afford time to the President, who had just been inaugurated, for the discharge of other pressing official duties in the organization of his Administration, before engaging his attention on the object of their mission. It was not until the 12th of the month that they officially addressed the Secretary of State, informing him of the purpose of their arrival and stating, in the language of their instructions, their wish "to make to the Government of the United States overtures for the opening of negotiations, assuring the Government of the United States that the President, Congress, and people of the Confederate States earnestly desire a peaceful solution of these great questions; that it is neither their interest nor their wish to make any demand which is not founded on strictest justice, nor do any act to injure their late confederates."

To this communication no formal reply was received until the 8th April. During the interval the commissioners had consented to waive all questions of form. With



the firm resolve to avoid war if possible, they went so far even as to hold, during that long period, unofficial intercourse, through an intermediary, whose high position and character inspired the best hope of success, and through whom constant assurances were received from the Government of the United States of peaceful intentions; of the determination to evacuate Fort Sumter; and further, that no measure, changing the existing *status* prejudicially to the Confederate States, especially at Fort Pickens, was in contemplation, but that in the event of any change of intention on the subject notice would be given to the commissioners. The crooked paths of diplomacy can scarcely furnish an example so wanting in courtesy, in candor, and directness as was the course of the United States Government toward our commissioners in Washington. For proof of this I refer to the annexed documents marked , taken in connection with further facts which I now proceed to relate:

Early in April the attention of the whole country, as well as that of our commissioners, was attracted to extraordinary preparations for an extensive military and naval expedition in New York and other northern ports. These preparations, commenced in secrecy, for an expedition whose destination was concealed, only became known when nearly completed, and on the 5th, 6th, and 7th April transports and vessels of war, with troops, munitions, and military supplies, sailed from northern ports bound southward. Alarmed by so extraordinary a demonstration, the commissioners requested the delivery of an answer to their official communication of the 12th March, and thereupon received, on the 8th April, a reply dated on the 15th of the previous month, from which it appears that, during that whole interval, whilst the commissioners were receiving assurances calculated to inspire hope of the success of their mission, the Secretary of State and the President of the United States had already determined to hold no intercourse with them whatever; to refuse even to listen to any proposals they had to make, and had profited by the delay created by their own assurances in order to prepare secretly the means for effecting hostile operations.

That these assurances were given has been virtually confessed by the Government of the United States by its sending a messenger to Charleston to give notice of its purpose to use force if opposed in its intention of supplying Fort Sumter. No more striking proof of the absence of good faith in the conduct of the Government of the United States toward this Confederacy can be required than is contained in the circumstances which accompanied this notice. According to the usual course of navigation the vessels composing the expedition designed for the relief of Fort Sumter might be expected to reach Charleston Harbor on the 9th April; yet with our commissioners actually in Washington, detained under assurances that notice should be given of any military movement, the notice was not addressed to *them*, but a messenger was sent to Charleston to give the notice to the governor of South Carolina, and the notice was so given at a late hour on the 8th April, the eve of the very day on which the fleet might be expected to arrive. That this maneuver failed in its purpose was not the fault of those who contrived it. A heavy tempest delayed the arrival of the expedition and gave time to the commander of our forces at Charleston to ask and receive the instructions of this Government. Even then, under all the provocation incident to the contemptuous refusal to listen to our commissioners, and the tortuous course of the Government of the United States, I was sincerely anxious to avoid the effusion of blood, and directed a proposal to be made to the commander of Fort Sumter, who had avowed himself to be nearly out of provisions, that we would abstain from directing our fire on Fort Sumter if he would promise not to open fire on our forces unless first attacked. This proposal was refused, and the conclusion was reached that the design of the United States was to place the besieging forces at Charleston between the simultaneous fire of the fleet and the fort. There remained, therefore, no alternative but to direct that the fort should be at once reduced. This order was executed by General Beauregard, with the skill and success which were naturally to be expected from the well-known character of that gallant officer; and, although the bombardment lasted but thirty-three hours, our flag did not wave over its battered walls until after the appearance of the hostile fleet off Charleston. Fortunately not a life was lost on our side, and we were gratified in being spared the necessity of a useless effusion of blood by the prudent caution of the officers who commanded the fleet in abstaining from the evidently futile effort to enter the harbor for the relief of Major Anderson. I refer to the report of the Secretary of War and the papers which accompany it for further details of this brilliant affair.

In this connection, I can not refrain from a well-deserved tribute to the noble State, the eminent soldierly qualities of whose people were so conspicuously displayed in the port of Charleston. For months they had been irritated by the spectacle of a fortress held within their principal harbor as a standing menace against their peace



and independence. Built in part with their own money, its custody confided with their own consent to an agent who held no power over them other than such as they had themselves delegated for their own benefit, intended to be used by that agent for their own protection against foreign attack, they saw it held with persistent tenacity as a means of offense against them by the very Government which they had established for their protection. They had beleaguered it for months—felt entire confidence in their power to capture it—yet yielded to the requirements of discipline, curbed their impatience, submitted without complaint to the unaccustomed hardships, labors, and privations of a protracted siege; and when at length their patience was rewarded by the signal for attack, and success had crowned their steady and gallant conduct—even in the very moment of triumph—they evinced a chivalrous regard for the feelings of the brave but unfortunate officer who had been compelled to lower his flag. All manifestations of exultation were checked in his presence. Their commanding general, with their cordial approval and the consent of his Government, refrained from imposing any terms that could wound the sensibilities of the commander of the fort. He was permitted to retire with the honors of war—to salute his flag, to depart freely with all his command, and was escorted to the vessel in which he embarked, with the highest marks of respect from those against whom his guns had been so recently directed. Not only does every event connected with the siege reflect the highest honor on South Carolina, but the forbearance of her people, and of this Government, from making any harsh use of a victory obtained under circumstances of such peculiar provocation, attest to the fullest extent the absence of any purpose beyond securing their own tranquillity and the sincere desire to avoid the calamities of war.

Scarcely had the President of the United States received intelligence of the failure of the scheme which he had devised for the reinforcement of Fort Sumter, when he issued the declaration of war against this Confederacy which has prompted me to convoke you. In this extraordinary production, that high functionary affects total ignorance of the existence of an independent Government, which, possessing the entire and enthusiastic devotion of its people, is exercising its functions without question over seven sovereign States—over more than 5,000,000 of people—and over a territory whose area exceeds half a million of square miles. He terms sovereign States “combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by law.” He calls for an army of 75,000 men to act as a *posse comitatus* in aid of the process of the courts of justice in States where no courts exist whose mandates and decrees are not cheerfully obeyed and respected by a willing people. He avows that “the *first* service to be assigned to the forces called out” will be, not to execute the process of courts, but to capture forts and strongholds situated within the admitted limits of this Confederacy, and garrisoned by its troops; and declares that “this effort” is intended “to maintain the perpetuity of popular government.” He concludes by commanding “the persons composing the combinations aforesaid,” to wit, the 5,000,000 of inhabitants of these States, “to retire peaceably to their respective abodes within twenty days.”

Apparently contradictory as are the terms of this singular document, one point was unmistakably evident. The President of the United States called for an army of 75,000 men, whose *first* service was to be to capture our forts. It was a plain declaration of war, which I was not at liberty to disregard because of my knowledge that under the Constitution of the United States the President was usurping a power granted exclusively to the Congress. He is the sole organ of communication between that country and foreign powers. The law of nations did not permit me to question the authority of the Executive of a foreign nation to declare war against this Confederacy. Although I might have refrained from taking active measures for our defense if the States of the Union had all imitated the action of Virginia, North Carolina, Arkansas, Kentucky, Tennessee, and Missouri by denouncing the call for troops as an unconstitutional usurpation of power to which they refused to respond, I was not at liberty to disregard the fact that many of the States seemed quite content to submit to the exercise of the power assumed by the President of the United States, and were actively engaged in levying troops to be used for the purpose indicated in the proclamation.

Deprived of the aid of Congress at the moment, I was under the necessity of confining my action to a call on the States for volunteers for the common defense, in accordance with the authority you had confided to me before your adjournment. I deemed it proper to issue proclamation inviting application from persons disposed to aid our defense in private armed vessels on the high seas, to the end that preparations might be made for the immediate issue of letters of marque and reprisal, which you alone, under the Constitution, have power to grant. I entertain no doubt that you will concur with me in the opinion that in the absence of a fleet of public vessels

it will be eminently expedient to supply their place by private armed vessels, so happily styled by the publicists of the United States "the militia of the sea," and so often and justly relied on by them as an efficient and admirable instrument of defensive warfare. I earnestly recommend the immediate passage of a law authorizing me to accept the numerous proposals already received.

I can not close this review of the acts of the Government of the United States without referring to a proclamation issued by their President, under date of the 19th instant, in which, after declaring that an insurrection has broken out in this Confederacy against the Government of the United States, he announces a blockade of all the ports of these States, and threatens to punish as pirates all persons who shall molest any vessel of the United States under letters of marque issued by this Government. Notwithstanding the apparent authenticity of this proclamation, you will concur with me that it is hard to believe it could have emanated from a President of the United States. Its announcement of a mere paper blockade is so manifestly a violation of the law of nations that it would seem incredible that it could have been issued by authority; but conceding this to be the case so far as the Executive is concerned, it will be difficult to satisfy the people of these States that their late confederates will sanction its declarations, will determine to ignore the usages of civilized nations, and will inaugurate a war of extermination on both sides by treating as pirates open enemies acting under the authority of commissions issued by an organized government. If such proclamation was issued it could only have been published under the sudden influence of passion, and we may rest assured mankind will be spared the horrors of the conflict it seems to invite.

For the details of the administration of the different Departments, I refer to the reports of the Secretaries which accompany this message.

The State Department has furnished the necessary instructions for three commissioners who have been sent to England, France, Russia, and Belgium, since your adjournment, to ask our recognition as a member of the family of nations, and to make with each of those powers treaties of amity and commerce. Further steps will be taken to enter into like negotiations with the other European powers in pursuance of your resolutions passed at the last session. Sufficient time has not yet elapsed since the departure of these commissioners for the receipt of any intelligence from them. As I deem it desirable that commissioners or other diplomatic agents should also be sent at an early period to the independent American powers south of our Confederacy, with all of whom it is our interest and earnest wish to maintain the most cordial and friendly relations, I suggest the expediency of making the necessary appropriations for that purpose.

Having been officially notified by the public authorities of the State of Virginia that she had withdrawn from the Union, and desired to maintain the closest political relations with us which it was possible at this time to establish, I commissioned the Hon. Alexander H. Stephens, Vice-President of the Confederate States, to represent this Government at Richmond. I am happy to inform you that he has concluded a convention with the State of Virginia, by which that honored Commonwealth, so long and justly distinguished among her sister States, and so dear to the hearts of thousands of her children in the Confederate States, has united her power and her fortunes with ours, and become one of us. This convention, together with the ordinance of Virginia adopting the Provisional Constitution of the Confederacy, will be laid before you for your constitutional action. I have satisfactory assurances from others of our late confederates that they are on the point of adopting similar measures, and I can not doubt that ere you shall have been many weeks in session the whole of the slaveholding States of the late Union will respond to the call of honor and affection, and, by uniting their fortunes with ours, promote our common interests and secure our common safety.

In the Treasury Department regulations have been devised and put into execution for carrying out the policy indicated in your legislation on the subject of the navigation of the Mississippi River as well as for the collection of revenue on the frontier. Free transit has been secured for vessels and merchandise passing through the Confederate States; and delay and inconvenience have been avoided as far as possible in organizing the revenue service for the various railways entering our territory. As fast as experience shall indicate the possibility of improvement in these regulations, no effort will be spared to free commerce from all unnecessary embarrassments and obstructions.

Under your act authorizing a loan, proposals were issued inviting subscriptions for \$5,000,000, and the call was answered by the prompt subscription of more than \$8,000,000 by our own citizens, and not a single bid was made under par. The rapid development of the purpose of the President of the United States to invade our soil, capture our forts, blockade our ports, and wage war against us induced me to direct

that the entire subscription should be accepted. It will now become necessary to raise means to a much larger amount to defray the expenses of maintaining our independence and repelling invasion. I invite your special attention to this subject, and the financial condition of the Government, with the suggestion of ways and means for the supply of the Treasury, will be presented to you in a separate communication.

To the Department of Justice you have confided not only the organization and supervision of all matters connected with the courts of justice, but also those connected with patents and with the Bureau of the Superintendent of Public Printing.

Since your adjournment, all the courts, with the exception of those of Mississippi and Texas, have been organized by the appointment of marshals and district attorneys, and are now prepared for the exercise of their functions.

In the two States just named the gentlemen commissioned as judges declined to accept the appointment, and no nominations have yet been made to fill the vacancies. I refer you to the suggestions contained in the report of the Attorney-General, and concur in his recommendations for immediate legislation, especially on the subject of patent rights. Early provision should be made to secure to the subjects of friendly nations the full enjoyment of their property in valuable inventions, and to extend to our own citizens protection, not only for their own inventions, but for such as may have been assigned to them, or may hereafter be assigned by persons not alien enemies.

The patent office business is much more extensive and important than had been anticipated. The applications for patents, although confined under the law exclusively to citizens of our Confederacy, already average seventy per month, showing the necessity for the prompt organization of a bureau of patents.

The Secretary of War, in his report and accompanying documents, conveys full information concerning the forces, regular, volunteer, and provisional, raised and called for under the several acts of Congress, their organization and distribution. Also, an account of the expenditures already made, and the further estimates for the fiscal year ending on the 18th February, 1862, rendered necessary by recent events. I refer to his report also for a full history of the occurrences in Charleston Harbor, prior to and including the bombardment and reduction of Fort Sumter, and of the measures subsequently taken for the common defense, on receiving intelligence of the declaration of war against us made by the President of the United States. There are now in the field at Charleston, Pensacola, Forts Morgan, Jackson, St. Philip, and Pulaski 19,000 men, and 16,000 are now en route for Virginia. It is proposed to organize and hold in readiness for instant action, in view of the present exigencies of the country, an army of 100,000 men. If further force should be needed, the wisdom and patriotism of Congress will be confidently appealed to for authority to call into the field additional numbers of our noble-spirited volunteers, who are constantly tendering service far in excess of our wants.

The operations of the Navy Department have been necessarily restricted by the fact that sufficient time has not yet elapsed for the purchase or construction of more than a limited number of vessels adapted to the public service. Two vessels purchased have been named the Sumter and McRae, and are now being prepared for sea at New Orleans with all possible dispatch. Contracts have also been made at that city with two different establishments for the casting of ordnance, cannon shot, and shell, with a view to encourage the manufacture of these articles so indispensable for our defense at as many points within our territory as possible.

I call your attention to the recommendation of the Secretary for the establishment of a magazine and laboratory for preparation of ordnance stores, and the necessary appropriation for that purpose. Hitherto such stores have usually been prepared at the navy-yards, and no appropriation was made at your last session for this object.

The Secretary also calls attention to the fact that no provision has been made for the payment of invalid pensions to our own citizens. Many of these persons are advanced in life, they have no means of support, and by the secession of these States have been deprived of their claim against the Government of the United States. I recommend the appropriation of the sum necessary to pay these pensioners, as well as those of the Army, whose claims can scarcely exceed \$70,000 per annum.

The Postmaster-General has already succeeded in organizing his Department to such an extent as to be in readiness to assume the direction of our postal affairs on the occurrence of the contingency contemplated by the act of 15th of March, 1861, or even sooner if desired by Congress. The various books and circulars have been prepared, and measures taken to secure supplies of blanks, postage stamps, stamped envelopes, mail bags, locks, keys, etc. He presents a detailed classification and arrangement of his clerical force, and asks for its increase. An auditor of the Treasury for this Department is necessary, and a plan is submitted for the organization of his bureau. The great number and magnitude of the accounts of this Department



require an increase of the clerical force in the accounting branch in the Treasury. The revenues of this Department are collected and disbursed in modes peculiar to itself, and require a special bureau to secure a proper accountability in the administration of its finances.

I call your attention to the additional legislation required for this Department, to the recommendation for changes in the law fixing the rates of postage on newspapers, periodicals, and sealed packages of certain kinds, and specially to his recommendation, in which I concur, that you provide at once for the assumption by him of the control of our entire postal service.

In the military organization of the States provision is made for brigadier and for major generals, but in the Army of the Confederate States the highest grade is that of brigadier-general. Hence, it will no doubt sometimes occur that where troops of the Confederacy do duty with the militia the general selected for the command, and possessed of the views and purposes of this Government, will be superseded by an officer of the militia not having the same advantages. To avoid this contingency in the least objectionable manner, I recommend that additional rank be given to the generals of the Confederate Army, and, concurring in the policy of having but one grade of generals in the Army of the Confederacy, I recommend that the law of organization be amended so that the grade be that of general.

To secure a thorough military education it is deemed essential that officers should enter upon the study of their profession at an early period of life, and have elementary instruction in a military school. Until such school shall be established, it is recommended that cadets be appointed and attached to companies until they shall have attained the age and have acquired the knowledge to fit them for the duties of lieutenants.

I also call your attention to an omission in the law organizing the Army, in relation to military chaplains, and recommend that provision be made for their appointment.

In conclusion I congratulate you on the fact that in every portion of our country there has been exhibited the most patriotic devotion to our common cause. Transportation companies have freely tendered the use of their lines for troops and supplies. The presidents of the railroads of the Confederacy, in company with others who control lines of communication in States that we hope soon to greet as sisters, assembled in convention in this city, and not only reduced largely the rates heretofore demanded for mail service and conveyance of troops and munitions, but voluntarily proffered to receive their compensation at these reduced rates in the bonds of the Confederacy, for the purpose of leaving all the resources of the Government at its disposal for the common defense. Requisitions for troops have been met with such alacrity that the numbers tendering their services have, in every instance, greatly exceeded the demand. Men of the highest official and social position are serving as volunteers in the ranks. The gravity of age and the zeal of youth rival each other in the desire to be foremost for the public defense; and though at no other point than the one heretofore noticed have they been stimulated by the excitement incident to actual engagement and the hope of distinction for individual achievement, they have borne what for new troops is the most severe ordeal, patient toil and constant vigil, with all the exposure and discomfort of active service, with a resolution and fortitude such as to command approbation and justify the highest expectation of their conduct when active valor shall be required in place of steady fortitude.

A people thus united and resolved can not shrink from any sacrifice which they may be called on to make, nor can there be a reasonable doubt of their final success, however long and severe may be the test of their determination to maintain their birthright of freedom and equality, as a trust which it is their first duty to transmit undiminished to their posterity.

A bounteous Providence cheers us with the promise of abundant crops. The fields of grain, which will be, within a few weeks, ready for the sickle, give assurance of the amplest supply of food for man; whilst the corn, cotton, and other staple productions of our soil afford abundant proof that up to this period the season has been propitious.

We feel that our cause is just and holy; we protest solemnly in the face of mankind that we desire peace at any sacrifice, save that of honor and independence; we seek no conquest, no aggrandizement, no concession of any kind from the States with which we were lately confederated; all we ask is to be let alone; that those who never held power over us shall not now attempt our subjugation by arms. This we will, this we must, resist to the direst extremity. The moment that this pretension is abandoned, the sword will drop from our grasp, and we shall be ready to enter into treaties of amity and commerce that can not but be mutually beneficial. So long as this pretension is maintained with a firm reliance on the blessings of that Divine



Power which covers with its protection the just cause, we will continue to struggle for our inherent right to freedom, independence, and self-government.

JEFFERSON DAVIS.

MONTGOMERY, ALA., *April 29, 1861.*

Congress then went into secret session; and after remaining some time therein, adjourned until 12 o'clock to-morrow.

#### SECRET SESSION.

Congress having resolved itself in secret session,

Mr. Toombs moved that the documents referred to and accompanying the message from the President be referred to the Committee on Printing, and that it be left to the discretion of said committee as to what portion of them shall be printed and as to what portion of them be printed for secret and what for open session.

The motion was agreed to.

On motion of Mr. Rhett, it was agreed that the consideration of the President's message be the special order for to-morrow, Tuesday, 12 o'clock m.

On motion of Mr. Keitt, the hour for the daily assembling of Congress was fixed at 12 o'clock m.

Mr. Hemphill offered the following resolution:

*Resolved*, That Ferrie Henshaw be appointed engrossing clerk of this Congress;

which was, on motion of Mr. Crawford, referred to the Committee on Accounts.

Mr. Toombs offered the following resolution:

*Resolved*, That the Committee on Foreign Affairs, if they consent it is expedient, prepare and report at the earliest convenient time a bill authorizing the granting letters of marque and reprisal against the United States.

The resolution was agreed to.

The Chair laid before Congress a report from the Secretary of Congress relative to disbursements out of the contingent fund of Congress; which was referred to the Committee on Accounts.

Mr. Memminger offered the following resolution:

*Resolved*, That the Committee on Finance be instructed to inquire and report upon the expediency of excepting imports from the States of Virginia, North Carolina, Tennessee, Arkansas, Kentucky, Missouri, Maryland, and Delaware from the operation of the revenue laws, and that they have leave to report by bill.

The resolution was agreed to.

On motion of Mr. Brooke, it was agreed that the Chair fill, by appointment, the vacancies in the standing committees occasioned by resignations of members of Congress.

In pursuance thereof, the Chair appointed Mr. Jones in stead and place of Mr. Lewis on the Committees on Patents and Indian Affairs; Mr. Davis in stead and place of Mr. Fearn on the Committees on Territories and Public Lands, and Mr. Orr in place of Mr. Wilson on the Committees on Patents and Engrossment.

It was further agreed that the Committee on Foreign Affairs be increased to the number of seven.

Whereupon, the Chair appointed Mr. Wigfall upon said committee.

Mr. Bartow moved that 1,000 extra copies of the President's message be printed for the use of the members.

On motion of Mr. Curry, the motion was referred to the Committee on Printing; and

On motion of Mr. Curry, a standing rule was adopted by which all motions to print extra copies of any document be referred to the Committee on Printing.

Mr. Rhett moved that the members of Congress who had not signed the enrolled permanent Constitution be requested to affix their signatures to the same.

The motion prevailed.

On motion of Mr. Crawford, the resolution adopted in open session which authorized the Secretary of Congress to appoint an assistant in the place of A. B. Clitherall, resigned, was reconsidered.

The resolution was then referred to the Committee on Accounts.

Mr. Wigfall introduced a bill to raise an additional military force; which was referred to the Committee on Military Affairs.

On motion of Mr. Withers,

Congress adjourned until 12 o'clock to-morrow.

## TUESDAY, APRIL 30, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Mitchell.

Mr. Chilton presented a communication from A. Hatchett, of the city of Memphis; which was referred, without being read, to the Committee on Military Affairs.

Mr. Cobb presented a memorial from certain ministers of the gospel relative to the appointment of chaplains for the Army; which was referred, without being read, to the Committee on Military Affairs.

Mr. Ochiltree laid before Congress a memorial from J. P. Nash, R. P. Crump, and others, suggesting the establishment of an armory in the county of Marion, State of Texas; which was referred to the Committee on Military Affairs.

Congress then went into secret session; and after remaining some time therein, adjourned until 12 o'clock to-morrow.

### SECRET SESSION.

Congress having resolved itself in secret session,

Mr. Chilton moved that the Committee on Public Buildings be instructed to inquire and report to Congress relative to the occupancy by the Congress of the Hall of the House of Representatives.

The motion prevailed.

Mr. Rhett offered the following resolutions:

*Resolved*, That so much of the President's message and accompanying documents as relates to the permanent Constitution of the Confederate States be referred to the Committee on the Permanent Constitution.

(2) That so much of the said message and accompanying documents as relates to the affairs of the United States with the Confederate States, to letters of marque and reprisal, to sending commissioners to the South American States, and the action of the State of Virginia, be referred to the Committee on Foreign Affairs.

(3) That so much of said message and accompanying documents as relates to the late loan and the operations of the Treasury be referred to the Committee on Finance.

(4) That so much of said message and accompanying documents as relates to the patent office and the granting of patents be referred to the Committee on Patents.

(5) That so much of the said message and accompanying documents as relates to the Army, the raising of troops, the rank of generals, and the appointment of chaplains and cadets be referred to the Committee on Military Affairs.

(6) That so much of the said message and accompanying documents as relates to the Navy and the establishment of magazine and ordnance stores and invalid pensions be referred to the Committee on Naval Affairs.

(7) That so much of the said message and accompanying documents as relates to the Post-Office and postage be referred to the Committee on Postal Affairs.

The resolutions were agreed to.

Mr. Cobb made the following report, viz:

The Committee on Printing, to whom was referred the printing of the President's message and accompanying documents, have had the same under consideration and report:

That they recommend the printing of 5,000 copies of the message in pamphlet form.

That the report of the Postmaster-General and exhibits be submitted to the chairman of the Committee on Postal Affairs, to select therefrom, in connection with the Postmaster-General, such matters as they see proper and have as many copies thereof printed for the use of the Congress and the Department as they may decide to be necessary.

The remaining reports and accompanying documents the committee recommend shall not be printed at present.

The report was agreed to.

Congress then took up for consideration, from the Calendar,

A bill in relation to citizenship and to prescribe uniform rules of naturalization.

On motion of Mr. Clayton, the same was recommitted to the Committee on Judiciary.

The next regular order being

A bill to establish a patent office, and to provide for the granting and issuance of patents for new and useful discoveries, inventions, and improvements;

which was, on motion of Mr. Brooke, recommitted to the Committee on Patents.

The next regular order being

A bill to provide revenue from commodities imported from foreign countries.

On motion of Mr. McRae, the same was recommitted to the Committee on Finance.

The next regular order on the Calendar being

A bill to prevent the importation of African negroes from any foreign country other than the slaveholding States of the United States, and to punish persons offending therein.

The same was, on motion of Mr. Clayton, recommitted to the Committee on Judiciary.

On motion of Mr. Chesnut,

Congress adjourned until 12 o'clock to-morrow.

## WEDNESDAY, MAY 1, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Davis.

The Chair presented to Congress a communication and resolutions from the Baptist convention of the State of Georgia; which were, on motion of Mr. Wright, ordered to be spread upon the Journal, and are as follows:

*ATHENS, GA., April 29, 1861.*

SIR: I have the honor of transmitting to you the accompanying resolutions unanimously passed on Saturday last by the Baptist convention of the State of Georgia, with the request that you will present them to the Congress over which you preside.

That God will direct and bless the councils of the Congress and the Confederate Government is the prayer of the Baptist convention of Georgia, and of none more sincerely than your obedient servant,

N. M. CRAWFORD,  
*Chairman of the Committee.*

HOWELL COBB, *President of Congress.*

At the meeting of the Baptist convention of the State of Georgia the following preamble and resolutions were unanimously passed:

Whereas the State of Georgia, in the legitimate exercise of her sovereignty, has withdrawn from the confederacy known as the United States of America, and for the better maintenance of her rights, honor, and independence has united with other States in a new confederacy under the title of the Confederate States of America; and

Whereas Abraham Lincoln, the President of the United States, is attempting by force of arms to subjugate these States in violation of the fundamental principles of American liberty: Therefore,

(1) *Resolved*, By the members of the Baptist convention of the State of Georgia, that we consider it to be at once a pleasure and a duty to avow that both in feeling and in principle we approve, indorse, and support the Government of the Confederate States of America.

(2) *Resolved*, That while this convention disclaims all authority, whether ecclesiastical or civil, yet as citizens we deem it but a duty to urge the union of all the people of the South in defense of the common cause, and to express the confident belief that in whatever conflict the madness of Mr. Lincoln and his Government may force upon us the Baptists of Georgia will not be behind any class of our fellow-citizens in maintaining the independence of the South by any sacrifice of treasure or of blood.

(3) *Resolved*, That we acknowledge with devout thankfulness to Almighty God the signal favor with which up to this time He has blessed our arms and our policy, and that the Baptist churches of this State be requested to observe the 1st and 2d days of June next as days of fasting and prayer that God will deliver us from all the power of our enemies and restore peace to our country.

(4) *Resolved*, That the Confederate Government be requested to invite the churches of all denominations within the Confederacy to unite in observing said days of fasting and prayer.

(5) *Resolved*, That copies of these resolutions be sent to President Davis, the Confederate Congress, and the governor of Georgia.

Mr. Shorter offered the following resolution:

*Resolved*, That one hundred copies of the Provisional and permanent Constitutions and the acts and resolutions of Congress passed up to and inclusive of the sixteenth of March, and from which the injunction of secrecy has been removed, be printed for the use of the Congress during the present session, and that the Committee on Printing be instructed to inquire and report as to the expediency of having printed extra copies of the same.

The resolution was agreed to.

Mr. Ochiltree introduced

A bill to be entitled "An act to establish a port of entry at Sabine Pass, in the State of Texas, and to provide for the appointment of a collector for the same;" which was, on motion of Mr. Ochiltree, referred to the Committee on Commercial Affairs.

Mr. Hemphill presented a communication from R. T. Brownrigg, secretary of the convention of Texas, together with resolutions adopted by the convention; which were, on motion of Mr. Hemphill, ordered to be entered at large on the Journal, and are as follows:

CITY OF AUSTIN, TEX., *Friday, March 15, 1861.*

MESSRS. JOHN GREGG, W. B. OCHILTREE, T. N. WAUL, and W. S. OLDHAM,  
*Members of Congress.*

GENTLEMEN: By instruction of the people of Texas, I transmit you the inclosed resolutions, adopted this day in convention.

To-day the additional returns of the votes upon the ordinance of secession were transmitted with the following result (in round numbers): Total vote received, 54,000; majority for secession, 31,500 votes.

Truly, your friend,

R. T. BROWNRIGG,  
*Secretary of the Convention.*



*Resolved*, That this convention has heard with profound satisfaction of the election of Jefferson Davis, of Mississippi, and Alexander H. Stephens, of Georgia, to the offices of President and Vice-President of the Provisional Government of the Confederate States of America, and that in their well-known ability, experience, and patriotism the country possesses ample guarantees that the high and important functions confided to them will be so administered in these times of peril as will redound to the safety, security, and best interests of the people.

*Resolved further*, That a copy of the foregoing resolution be communicated to our members of Congress at Montgomery.

Adopted in convention, at the city of Austin, on the 15th day of March, 1861.

R. T. BROWNRIGG,  
*Secretary of the Convention.*

Mr. Bartow, from the Committee on Military Affairs, offered the following resolution:

*Resolved*, That the Committee on Military Affairs have permission to print such portions of the report of the Secretary of War and as many copies thereof as they may deem necessary;

which was adopted.

Congress went into secret session; and after remaining some time therein, adjourned until to-morrow, 12 o'clock.

#### SECRET SESSION.

Congress having resolved itself in secret session,

Mr. Clayton offered the following resolution:

*Resolved*, That so much of the report of the Attorney-General as relates to the administration of justice be referred to the Judiciary Committee and that so much as relates to the matter of printing be referred to the Committee on Printing.

The resolution was agreed to.

Mr. Rhett, from the Committee on Foreign Affairs, reported

A bill to be entitled "An act recognizing the existence of war between the United States and the Confederate States; and concerning letters of marque, prizes, and prize goods;"

which was read a first and second time; and, on motion of Mr. Withers, was ordered to be placed on the Calendar to be printed and made the special order of to-morrow at 12 o'clock m.

Mr. Chilton offered the following resolution:

*Resolved*, That the Committee on Commercial Affairs be instructed at its earliest convenience to report a bill to regulate the coasting trade of this Confederacy and the registration of ships and vessels which shall supersede and be in lieu of all the existing laws of the United States which have been adopted by this Confederacy upon the subject of the coasting trade, registration, enrollment, and licensing of ships and vessels;

which was agreed to.

Mr. Ochiltree offered the following resolution, viz:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the necessity for the erection of a fort at Sabine Pass, on the southeast corner of the coast of the State of Texas, for the protection and defense of the same, and that the said committee be requested to report at the earliest practicable day by bill or otherwise;

which was agreed to.

Mr. Brooke offered the following resolution; which was agreed to, viz:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the appointment of an Assistant Secretary of War.

Mr. Boyce reported a bill to change the seat of government from the city of Montgomery, Ala., to the city of Richmond, Va.; which

was read the first and second times and ordered to be placed on the Calendar.

Mr. Cobb offered the following resolution; which was agreed to:

*Resolved*, That one hundred copies of the rules adopted for the government of Congress, and one hundred copies of the committees as now organized, be printed for the use of Congress.

Mr. Perkins, from the Committee on Military Affairs, reported a bill relative to telegraph lines in the Confederate States; which was read the first and second times and ordered to be printed and placed on the Calendar.

On motion of Mr. Brooke,

Congress adjourned until 12 o'clock to-morrow.

## THURSDAY, MAY 2, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment.

Prayer being offered, Mr. Morton announced the presence of his colleague, Mr. George T. Ward, who had been appointed to fill the vacancy occasioned by the resignation of Mr. Anderson.

The Chair administered the oath to Mr. Ward, and he took his seat.

Mr. Morton moved that the Chair fill the vacancies in the standing committees occasioned by the resignation of Mr. Anderson.

The motion prevailed, and the Chair appointed Mr. Ward in the place and stead of Mr. Anderson on the Committees on Military Affairs and Public Lands.

Mr. Wright introduced

A bill further to provide for the public defense; which was, on motion of Mr. Morton, referred to the Committee on Military Affairs.

Mr. Bartow, from the Committee on Military Affairs, reported the following resolutions:

A resolution of thanks to Brigadier-General G. T. Beauregard and the army under his command for their conduct in the affair of Fort Sumter.

*Be it resolved unanimously by the Congress of the Confederate States of America*, That the thanks of the people of the Confederate States are due, and through this Congress are hereby tendered, to Brigadier-General G. T. Beauregard and his officers and to the gallant troops of the State of South Carolina for the skill, fortitude, and courage by which they reduced and caused the surrender of Fort Sumter, in the harbor of Charleston, on the twelfth and thirteenth days of April, eighteen hundred and sixty-one. And the commendation of Congress is also hereby declared of the generosity manifested by their conduct toward a brave and vanquished foe.

*Be it further resolved*, That a copy of this resolution be communicated by the President to General Beauregard and through him to the army then under his command.

The resolutions were agreed to.

Mr. Morton presented a memorial from citizens of Florida relative to the defenseless condition of Tampa Bay Harbor: which was referred to the Committee on Military Affairs.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill to provide for the appointment of chaplains in the Army; which was read a first and second time, engrossed, read a third time, and passed.

Mr. Shorter moved to amend the standing rules by the adoption of the following resolution, viz:

*Resolved*, That all propositions affecting our foreign relations or looking to the public defense be submitted to the Congress while in secret session.

The same was adopted.

Congress went into secret session; and after remaining some time therein, adjourned until 12 o'clock to-morrow.

SECRET SESSION.

Congress having gone into secret session, proceeded to the consideration of the special order, viz:

A bill to be entitled "An act recognizing the existence of war between the United States and the Confederate States; and concerning letters of marque, prizes, and prize goods."

The preamble having been reported, Mr. Withers moved a substitute therefor.

On motion of Mr. Conrad, the further consideration of the bill was postponed until to-morrow, and it was ordered that the substitute for the preamble offered by Mr. Withers, together with any other amendments which may be handed in, be printed.

The first regular order on the Calendar being

A bill to be entitled "An act relative to telegraph lines in the Confederate States."

Congress took up the same by sections.

The second section being as follows:

SEC. 2. That there shall be attached to the Post-Office Department an additional bureau, to be called the Telegraphic Bureau, to consist of one superintendent, who shall be appointed by the President, by and with the advice and consent of the Congress, and as many clerks as the President shall authorize the Postmaster-General to appoint; the salary of said superintendent shall be        dollars per annum, and of said clerks        dollars per annum.

On motion of Mr. Perkins, the first blank was filled with the words "three thousand" and the other by the words "one thousand."

The fourth section being as follows:

SEC. 4. That the revenues of all telegraphic lines shall be appropriated to their current expenses and maintenance in good running order; the surplus, if any, shall be paid to the proprietors thereof; but if said proprietors be alien enemies, the said surplus shall be paid into the public treasury, subject to the further order of Congress, on the termination of the war.

Mr. Nisbet moved to amend the same by inserting after the words "telegraphic lines," where they occur, the words "now in hand or hereafter to be received."

Mr. Howell Cobb moved to postpone the further consideration of the bill until to-morrow.

The motion prevailed.

On motion of Mr. Brooke,

Congress adjourned until 12 o'clock to-morrow.

FRIDAY, MAY 3, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Pellicer.

Mr. Ochiltree presented a communication from L. B. Collins, together with a design for a seal for the Confederate States; which were referred to the Committee on Flag and Seal.

Mr. Shorter, from the Committee to Arrange for Government Buildings, made the following report:

The Committee on Government Buildings, to whom was referred the communication of his excellency the governor of the State of Alabama, inviting Congress to occupy the hall of the house of representatives of said State, report the following resolutions:

*Resolved*, That the President of the Congress communicate, in behalf of this body, to his excellency Andrew B. Moore, governor of the State of Alabama, their thanks for the tender made by him of the hall of the house of representatives for the use of Congress, and inform him that his courteous invitation to occupy the same is accepted by the Congress.

*Resolved*, That when Congress adjourns this day it will adjourn to reassemble in the hall of the house of representatives of the State capitol.

SHORTER, *Chairman*.

The report was agreed to.

Mr. Chesnut moved that an additional member be added to the Committee on Territories; which was agreed to, and the Chair appointed Mr. Oldham on said committee.

Mr. Cobb, from the Committee on Printing, made the following report:

The Committee on Printing, to whom was referred a resolution in relation to printing extra copies of the Provisional and permanent Constitutions, acts, and resolutions of the first session of this Congress, recommend that 1,000 extra copies be printed for distribution.

The report was agreed to.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for the appointment of chaplains in the Army; also

A resolution of thanks to Brig. Gen. G. T. Beauregard and the army under his command for their conduct in the affair of Fort Sumter.

Congress went into secret session; and after remaining some time therein, adjourned until 12 o'clock to-morrow.

#### SECRET SESSION.

Congress having resolved itself in secret session,

Mr. Brooke offered the following resolution, to wit:

A resolution to extend the provisions of a resolution approved March fourth, eighteen hundred and sixty-one,

*Resolved*, That the resolution passed by this Congress and approved March fourth, eighteen hundred and sixty-one, in relation to patents and caveats, be extended to citizens of all the slaveholding States;

which was read the first and second times, engrossed, read a third time, and agreed to.

Mr. Sparrow presented a communication from R. A. Hunter relative to the establishment of an armory for the Confederate States; which was referred, without being read, to the Committee on Military Affairs.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill providing for a regiment of zouaves in the Army of the Confederate States;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Bartow, from the same committee, reported

A bill to raise an additional military force to serve during the war;



which was read the first and second times, ordered to be placed on the Calendar, and printed.

Congress then proceeded to the consideration of the special order of the day; which was

A bill recognizing the existence of war between the United States and the Confederate States; and concerning letters of marque, prizes, and prize goods.

The first section being as follows:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President of the Confederate States is hereby authorized to use the whole land and naval force of the Confederate States to wage the war thus inaugurated, and to issue to private armed vessels commissions, or letters of marque and general reprisal, in such form as he shall think proper, under the seal of the Confederate States, against the vessels, goods, and effects of the Government of the United States, and of the citizens or inhabitants of the States and Territories thereof, except the States and Territories hereinbefore named.

On motion of Mr. Chesnut, the same was amended by striking therefrom the word "wage," where it first occurs, and inserting in lieu thereof the word "meet."

On motion of Mr. Harris, the same was further amended by striking out the word "inaugurated," where it first occurs, and inserting in lieu thereof the word "commenced."

Mr. Walker moved to further amend the section by adding thereto the following, to wit:

*Provided, however*, That property of the enemy (unless it be contraband of war) laden on board a neutral vessel shall not be subject to seizure under this act: *And provided further*, That vessels of the citizens or inhabitants of the United States now in the ports of the Confederate States shall be allowed thirty days after the publication of this act to leave said ports and reach their destination; and such vessels and their cargoes, excepting articles contraband of war, shall not be subject to capture under this act during said period, unless they shall have previously reached the destination for which they were bound on leaving said ports.

On motion of Mr. Cobb, the amendment was divided into two propositions, viz, the first and second proviso, and the same were each agreed to.

The section as amended reads as follows, viz:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President of the Confederate States is hereby authorized to use the whole land and naval force of the Confederate States to meet the war thus commenced, and to issue to private armed vessels commissions, or letters of marque and general reprisal, in such form as he shall think proper, under the seal of the Confederate States, against the vessels, goods, and effects of the Government of the United States, and of the citizens or inhabitants of the States and Territories thereof, except the States and Territories hereinbefore named: *Provided, however*, That property of the enemy (unless it be contraband of war) laden on board a neutral vessel shall not be subject to seizure under this act: *And provided further*, That vessels of the citizens or inhabitants of the United States now in the ports of the Confederate States shall be allowed thirty days after the publication of this act to leave said ports and reach their destination; and such vessels and their cargoes, excepting articles contraband of war, shall not be subject to capture under this act during said period, unless they shall have previously reached the destination for which they were bound on leaving said ports.

The twelfth section being as follows:

SEC. 12. That the commanders of vessels having letters of marque and reprisal as aforesaid, neglecting to keep a journal as aforesaid, or willfully making fraudulent entries therein, or obliterating any material transactions therein, where the interest of the Confederate States is concerned, or refusing to produce and deliver such journal, commission or certificate, pursuant to the preceding section of this act, then and in such cases the commissions or letters of marque and reprisal of such vessels shall

be liable to be revoked; and such commanders, respectively, shall forfeit for every such offense the sum of one thousand dollars, one moiety thereof to the use of the Confederate States and the other to the informer.

On motion of Mr. Rhett, the same was amended by inserting after the word "obliterating," where it first occurs, the words "the record of," and by inserting after the word "transactions," where it first occurs, the word "contained." So that the sentence will read "or obliterating the record of any material transactions contained therein," etc.

The fifteenth section having been read, and which provided that 2 per cent of the prize money and salvage be pledged to the support of the widows and orphans of those slain in the privateering service,

On motion of Mr. Toombs, the same was amended by striking out the words "two per cent," where they occur, and inserting in lieu thereof the words "five per cent."

The preamble being as follows, viz:

Whereas the President of the United States of America has issued his proclamation making requisition upon the States of the American Union for seventy-five thousand men for the purpose, as therein declared, of capturing forts and other strongholds within the jurisdiction of and belonging to the Confederate States of America, and has detailed naval armaments upon the coasts of the Confederate States of America, and raised, organized, and equipped a large military force to execute the purpose aforesaid, and has issued his other proclamation declaring the ports of the Confederate States in a state of blockade; and

Whereas the States of Maryland, Virginia, North Carolina, Kentucky, Arkansas, and Missouri have refused, and it is believed that the State of Delaware and the inhabitants of the Territories of Arizona and New Mexico will refuse to cooperate with the Government of the United States in these acts of hostility and wanton aggression, which are plainly intended to overawe, oppress, and finally subjugate the people of the Confederate States; and

Whereas by the acts and means aforesaid, war exists between the Confederate States and the Government of the United States and the States and Territories thereof, except the States of Maryland, Virginia, North Carolina, Kentucky, Arkansas, Missouri, and Delaware, and the Territories of Arizona and New Mexico: Therefore,

The question was, on the motion of Mr. Withers, to amend by striking out the same and inserting in lieu thereof the following, to wit:

Forasmuch as Abraham Lincoln, styling himself President of the United States of America, notwithstanding that organization, as originally constituted, has ceased to exist by the matured and complete separation therefrom of the Confederate States of America, has usurped the power to make war and a war of invasion upon said Confederate States—in a spirit ferocious, diabolical, and uncivilized—under the disguise and pretense of capturing, holding, and occupying forts and other strongholds within the limits of and rightfully belonging to the said Confederate States, and of enforcing obedience by said States and the people thereof to laws and a Constitution formally, notoriously, and rightfully abrogated by the sovereign authorities of said States; and forasmuch, likewise, as the said Abraham Lincoln has demanded of the States yet acknowledging his authority large quotas of troops and other appliances of war, and has set in motion all other military means and warlike measures, land and naval, within his power and under his control, to prosecute vindictive and unprovoked hostilities against these Confederate States, and all who take part with them; all which fully appears by the several proclamations issued by said Lincoln, and the many and notorious acts already done, or attempted, and yet actively prosecuted by his Government, its aiders and abettors; and in consideration, also, that sundry of the States which yet acknowledge the rule of said Lincoln have responded to his usurpations by complying with his demand for materials and means to prosecute the unholy war, so as aforesaid set on foot by him; but that the States of Virginia, North Carolina, Tennessee, Kentucky, Maryland, Delaware, Missouri, and Arkansas have either refused or failed to aid such usurpation, and the Territories of Arizona and New Mexico have given evidence that they will rally to the flag of these Confederate States;

To the end that these Confederate States may effectually meet the state of hostility thus forced upon them by the said Abraham Lincoln and the States and people who adhere to him, that they may repel invasion, vindicate their rights, maintain the rightful government of their choice, and protect and defend the property, lives, and liberties of their inhabitants;

*The Congress of the Confederate States of America do declare, That by reason of the means, acts, and circumstances hereinbefore recited, war exists between these Confederate States and the Government of the said Lincoln, and such of the States and Territories as adhere to him, hereby excepting the States of Delaware, Maryland, Virginia, North Carolina, Tennessee, Kentucky, Missouri, Arkansas, and the Territories of Arizona and New Mexico: Therefore.*

Mr. Walker moved to amend the preamble of the bill by striking therefrom the first sentence, viz. to and inclusive of the word "blockade," where it first occurs, and inserting in lieu thereof the following, viz:

Whereas the earnest efforts made by this Government to establish friendly relations between the Government of the United States and the Confederate States, and to settle all questions of disagreement between the two Governments upon principles of right, justice, equity, and good faith have proved unavailing by reason of the refusal of the Government of the United States to hold any intercourse with the commissioners appointed by this Government for the purposes aforesaid, or to listen to any proposal they had to make for the peaceful solution of all causes of difficulty between the two Governments; and

Whereas the President of the United States of America has issued his proclamation making requisition upon the States of the American Union for seventy-five thousand men for the purpose, as therein indicated, of capturing forts and other strongholds within the jurisdiction of and belonging to the Confederate States, and of overturning by force of arms the independent government established by the States of this Confederacy, and has detailed naval armaments upon the coasts of the Confederate States, and raised, organized, and equipped a large military force to execute the purposes aforesaid, and has issued his other proclamation announcing his purpose to set on foot a blockade of the ports of the Confederate States.

Mr. Conrad moved to amend the same by substituting for the substitute offered by Mr. Withers the following, viz:

Whereas the President of the United States persists in retaining possession by force of arms of several fortifications belonging to and within the limits of this Confederacy; has declared all the seaports thereof to be in a state of blockade; has raised an army of seventy-five thousand men in addition to the regular force authorized by law, and is causing the same rapidly to concentrate on the borders of the Confederacy; has caused valuable military and naval establishments belonging to these States and the vessels, arms, and munitions of war therein contained to be destroyed, and committed other wanton and unprovoked acts of aggression and outrage on the persons and property of their citizens; and

Whereas this Government has used every effort to avert the calamities of war, but all its overtures for that purpose have been scornfully repelled: Now, therefore,

*The Congress of the Confederate States do enact, That the President of the Confederate States be, and he is hereby, authorized to use the land and naval forces for the purpose of recovering such forts and fortifications belonging to these States as are retained by the Government of the United States, and of resisting and repelling in such manner as he may deem advisable any and all acts of hostility or aggression that may be committed by said Government.*

Mr. Bartow moved to lay all the amendments on the table.

Mr. Smith thereon demanded the question; which was seconded, and the motion prevailed, the States voting as follows:

Yea: Florida, Georgia, Mississippi, South Carolina, and Texas, 5.

Nay: Alabama and Louisiana, 2.

Mr. Toombs moved to amend by inserting after the words "the Territories of Arizona and New Mexico," where they occur, the words "and the Indian Territory, south of Kansas."

The motion prevailed.



Mr. Walker moved to amend the same by inserting at the beginning of the preamble the following, viz:

Whereas the earnest efforts made by this Government to establish friendly relations between the Government of the United States and the Confederate States, and to settle all questions of disagreement between the two Governments upon principles of right, justice, equity, and good faith have proved unavailing by reason of the refusal of the Government of the United States to hold any intercourse with the commissioners appointed by this Government for the purposes aforesaid, or to listen to any proposal they had to make for the peaceful solution of all causes of difficulty between the two Governments.

The motion prevailed.

Mr. Conrad moved to amend by striking out all of the same after the word "blockade," where it first occurs.

On motion of Mr. Toombs, the word "Virginia," wherever it occurs, was stricken out.

The question recurring on the motion of Mr. Conrad to amend, the same was lost.

On motion of Mr. Smith, the same was amended by striking therefrom the word "declared," where it first occurs, and inserting in lieu thereof the word "commenced," and making the last clause of the first sentence read as follows:

and has issued his other proclamation announcing his purpose to set on foot a blockade of the ports of the Confederate States.

Mr. Withers moved to amend by striking out all of the preamble except the last word thereof, to wit, the word "therefore" and inserting in lieu of the same the following, viz:

Inasmuch as war exists by the acts of Abraham Lincoln, styling himself President of the United States of America, between the Confederate States of America and the government called the Government of the United States of America and certain States adhering to that Government, hereby excepting, however, from such hostile relation the States of Virginia (now in alliance with these Confederate States) and Maryland, Delaware, North Carolina, Tennessee, Kentucky, Missouri, Arkansas, and the Territories of New Mexico, Arizona, and the Indian Territory, south of Kansas.

The motion was lost.

On motion of Mr. Memminger, the same was amended by inserting immediately preceding and as part of the second sentence the following:

Whereas the State of Virginia has seceded from the Federal Union and entered into a convention of alliance, offensive and defensive, with the Confederate States, and has adopted the Provisional Constitution of the said States.

The preamble as amended is as follows:

Whereas the earnest efforts made by this Government to establish friendly relations between the Government of the United States and the Confederate States, and to settle all questions of disagreement between the two Governments upon principles of right, justice, equity, and good faith have proved unavailing by reason of the refusal of the Government of the United States to hold any intercourse with the commissioners appointed by this Government for the purposes aforesaid, or to listen to any proposal they had to make for the peaceful solution of all causes of difficulty between the two Governments; and

Whereas the President of the United States of America has issued his proclamation making requisition upon the States of the American Union for seventy-five thousand men for the purpose, as therein indicated, of capturing forts and other strongholds within the jurisdiction of and belonging to the Confederate States of America, and has detailed naval armaments upon the coasts of the Confederate States of America, and raised, organized, and equipped a large military force to execute the purpose aforesaid, and has issued his other proclamation announcing his purpose to set on foot a blockade of the ports of the Confederate States; and

Whereas the State of Virginia has seceded from the Federal Union and entered into a convention of alliance, offensive and defensive, with the Confederate States, and has adopted the Provisional Constitution of the said States; and



Whereas the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas, and Missouri have refused, and it is believed that the State of Delaware and the inhabitants of the Territories of Arizona and New Mexico, and the Indian Territory, south of Kansas, will refuse to cooperate with the Government of the United States in these acts of hostilities and wanton aggression, which are plainly intended to overawe, oppress, and finally subjugate the people of the Confederate States; and

Whereas by the acts and means aforesaid, war exists between the Confederate States and the Government of the United States and the States and Territories thereof, except the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas, Missouri, and Delaware, and the Territories of Arizona and New Mexico, and the Indian Territory, south of Kansas: Therefore.

Mr. Rhett demanded the question on ordering the bill to be engrossed for a third reading; which was seconded, and the bill was ordered to be engrossed.

The bill was then read the third time and passed.

Mr. Waul, on the passage of the bill, at the instance of the State of Texas, called for the yeas and nays of the entire body: which were taken and recorded as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, Shorter, Jones, and Davis.

Florida—Yea: Messrs. Ward and Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Bartow, Crawford, Nisbet, Hill, Wright, T. R. R. Cobb, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Clayton, Barry, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Yea: Messrs. Wigfall, Reagan, Hemphill, Waul, Gregg, Oldham, and Ochiltree.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution to extend the provisions of a resolution approved March 4, 1861; also

An act providing for a regiment of zouaves in the Army of the Confederate States.

Mr. Chesnut offered the following resolution; which was agreed to:

*Resolved*, That it be referred to the Committee on Naval Affairs to inquire into and report upon the expediency of sending naval agents to Europe to purchase small and swift steamers, well armed, for the purpose of defending the coast of the Confederate States.

A message was received from the President that he had approved and signed

An act to provide for the appointment of chaplains in the Army.

On motion of Mr. Rhett,

Congress adjourned until 12 o'clock to-morrow.

SATURDAY, MAY 4, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer being offered, and there being no business on the Public Calendar, Congress went into secret session; and after remaining some time therein, adjourned until 12 o'clock Monday next.

## SECRET SESSION.

Congress having gone into secret session.

Mr. Ward presented a memorial from Robert Gamble, jr., relative to a floating fort for the defense of harbors and the defense of mouths of rivers; which was referred to the Committee on Naval Affairs.

Mr. Ward offered the following resolution:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of adopting immediate measures to induce the manufacture of powder and of arms proper to the different branches of the military service within the States of this Confederacy and also in the slaveholding States, and that they report by bill or otherwise;

which was adopted.

Mr. Ward also offered the following resolution: which was agreed to, viz:

*Resolved*, That the Secretary of War be requested to inform this House if any measures have been taken to promote and induce manufactories of arms and of powder within the States of this Confederacy or elsewhere, and also to recommend to the House any action which he may deem expedient on the part of Congress to promote this object.

Mr. Rhett, from the Committee on Foreign Affairs, reported

A bill regulating the sale of prizes and the distribution thereof; which was read a first and second time and, on motion of Mr. Smith, ordered to be placed on the Calendar and to be printed.

Mr. Wright offered the following resolution; which was agreed to, viz:

*Resolved by the Congress of the Confederate States*, That the Committee on Naval Affairs be directed to inquire into the expediency of authorizing the Secretary of the Navy, with the advice and consent of the President, to employ a suitable agent to proceed to Europe to purchase, if practicable, with bonds of the Confederate States, such war vessels as have been heretofore authorized to be purchased or built, and such additional war vessels, not to exceed ten million dollars in cost, as they may deem necessary for the public service.

Mr. Perkins offered the following resolution:

*Resolved*, That the members of the Cabinet of the Confederate States not members of Congress have the privilege of discussing any measures appertaining to their respective Departments.

Mr. Perkins demanded thereon the question.

The demand was sustained, and the resolution was agreed to, the States voting as follows:

Yea: Alabama, Georgia, Mississippi, and Texas.

Nay: Florida and South Carolina.

Louisiana divided.

Mr. Chesnut offered the following resolution; which was agreed to, viz:

*Resolved*, That it be referred to the Committee on Military Affairs to inquire into and report upon the propriety of authorizing the Secretary of War at once to cause the First and Second Regiments of South Carolina Volunteers, now in Virginia, to be mustered into the service of the Confederate States upon the conditions proposed by the governor of South Carolina, and accepted by the Secretary of War when the said regiments were suddenly ordered to Virginia.

Mr. Hemphill introduced

A bill relative to invalid pensions;

which was referred to the Committee on Military Affairs.

Mr. Nisbet, from the Committee on Foreign Affairs, reported

A bill to approve and ratify the convention and agreement entered

into between the Commonwealth of Virginia and the Confederate States of America;

which was read a first and second time and ordered to be placed on the Calendar.

Mr. Chilton introduced

A bill to provide for the manufacture of powder for the Confederate States of America;

which was referred to the Committee on Military Affairs.

Congress then proceeded to the consideration of a bill relative to telegraph lines in the Confederate States, as modified by the Committee on Foreign Affairs.

Mr. Smith offered the following as a substitute for the bill, to wit:

A bill relative to telegraph lines in the Confederate States.

SECTION 1. *The Congress of the Confederate States do enact*, That until otherwise directed by Congress, all lines of telegraphic communication within the Confederate States shall be subject to the control and supervision of Government.

SEC. 2. That the President shall appoint a superintendent of said telegraphic lines, subject to removal at pleasure, and such superintendent shall employ such deputies as the service shall from time to time require. The salary of such superintendent shall be at the rate of                    dollars per year, and the pay of such deputies shall be so much as the superintendent shall contract for, but the pay of no such deputy shall exceed the rate of                    dollars per year.

SEC. 3. That the superintendent shall devise and establish, subject to the approval of the President, such rules and regulations as shall make said lines faithful and efficient mediums of communication by and with the Government and as shall prevent the use of said lines in conveying intelligence deemed injurious to the public interest. And it shall be the duty of the superintendent diligently to supervise and control said lines so far as may be necessary to accomplish the purposes of this act, and he shall from time to time, when called on, give to Congress and the President all information respecting said lines and his action in relation thereto.

SEC. 4. That should any telegraphic operator, agent, or servant knowingly send or permit to be sent any telegraphic dispatch conveying to or for any enemy of this Confederacy intelligence calculated to give such enemy aid and comfort in any manner, or should any such operator, agent, or servant send any intelligence in willful violation of any rule or regulation established under the provisions of this act, he shall at once be removed by the superintendent from all connection with said telegraphic lines and shall be guilty of felony, and shall, upon conviction, be fined in a sum not exceeding ten thousand dollars and imprisoned in the penitentiary, if there be one, if not, in the common jail, for a period of time, said fine and imprisonment to be determined by the court trying him, but such time not to be less than two years nor more than ten years.

Mr. Clayton offered the following as a substitute for the substitute offered by Mr. Smith, viz:

A bill relative to telegraphic lines in the Confederate States.

That all the stock in any telegraph company doing business within the Confederate States owned by any citizen of any State at war with the States of this Confederacy be, and the same is hereby, confiscated to the use of the Confederate States.

On motion of Mr. Hale, both of the substitutes were laid on the table.

Mr. Smith moved that the further consideration of the bill be postponed and that the bill as modified by the committee, together with the amendments offered, be printed.

The motion was lost.

Mr. Withers offered the following as a substitute for the bill, viz:

A bill in relation to telegraphic lines, etc.

*The Congress of the Confederate States of America do enact*, That to prevent the use of any telegraphic line within the Confederate States for purposes injurious to the interests and safety of these States while engaged in war, the President, as Commander in

Chief of the forces of these States, shall be, and he is hereby, empowered to exercise such supervision over the use of such lines of telegraph as from time to time he may deem the object herein expressed may demand.

Mr. Perkins demanded thereon the question: which was seconded.

On motion of Mr. Campbell, at the instance of the State of Mississippi, the vote just taken by which the demand for the question was seconded was reconsidered.

Mr. Harris then offered the following as a substitute for the substitute offered by Mr. Withers, to wit:

*The Congress of the Confederate States of America do enact, That during the existing war the President be, and he is hereby, authorized and empowered to take such control of such of the lines of telegraph in the Confederate States and of such as will enable him or the officers connected therewith effectually to supervise the communications passing through the same, to the end that no communications shall be conveyed of the military operations of the Government to endanger the success of such operations or communications which may injuriously affect the public welfare.*

2. The Postmaster-General, by and with the consent of the President, shall appoint trustworthy agents in such offices and at such points on the various lines as he may think fit, whose duty it shall be to supervise all communications sent or passed through said lines and to prevent the transmission of any communication deemed to be detrimental to the public service.

3. In case the owners and managers of said lines shall refuse to permit such supervision, the President is hereby empowered to take possession of the same for the purposes aforesaid.

4. The President shall from time to time issue instructions to the agents so appointed and to the operators of the various lines to regulate the transmission of communications touching the operations of the Government.

5. That in cases where the operators of the lines shall be found to be of sufficient capacity and fidelity, the President may constitute them the agents of the Government, so that in this, as in all other respects, there may be as little interference with the business and management of such lines as may be compatible with the public service.

6. The compensation of the agents appointed under this act where such agents are not officers of the company, and the expense attending the execution of the provisions of this act shall be paid out of the Treasury.

7. No communications in cypher nor enigmatical or other doubtful communication shall be admitted unless the person sending the same shall be known to the agent of the Government to be trustworthy, nor until the real purport of such communication shall be explained to such agent.

8. If any person shall knowingly send or transmit any message or communication touching the military operations of the Government without having first exhibited the same to the inspection of the agent of the Government, he, she, or they shall be subject to indictment in the district court of the Confederate States, and on conviction shall be fined in a sum not less than \_\_\_\_\_ and imprisoned for a time not less than \_\_\_\_\_.

On motion of Mr. Perkins, the bill, together with the amendments offered, was recommitted to the Committee on Foreign Affairs.

The next regular order being

A bill to raise an additional military force, etc.,

On motion of Mr. Bartow, the same was made the special order for Monday next.

Further regular orders were postponed for the time, and Mr. Crawford, from the Committee on Accounts, offered the following resolution:

*Resolved, That the Clerk of this Congress be authorized to furnish each member with \_\_\_\_\_ dollars' worth of stationery.*

On motion of Mr. Conrad, the blank was filled with the word "five," and the resolution was agreed to.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act recognizing the existence of war between the United States



and the Confederate States; and concerning letters of marque, prizes, and prize goods.

A message was received from the President that he had approved and signed

A resolution to extend the provisions of a resolution approved March 4, 1861: also

An act providing for a regiment of zouaves in the Army of the Confederate States.

On motion of Mr. Morton.

Congress adjourned until 12 o'clock on Monday next.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

EXECUTIVE DEPARTMENT, *May 4, 1861.*

Hon. HOWELL COBB,

*President of the Congress:*

I herewith transmit, for the advice and consent of the Congress, the inclosed nominations of officers, appointed during the recess of Congress.

JEFFERSON DAVIS.

DEPARTMENT OF JUSTICE,

*Montgomery, April 29, 1861.*

To the PRESIDENT.

SIR: The following are the appointments to office made in this Department during the recess of Congress, and which are required to be submitted for its advice and consent, under the Constitution and the act of March 16, 1861:

Wade Keyes, of Montgomery, to be Assistant Attorney-General.

George E. W. Nelson, of Augusta, Ga., to be Superintendent of Public Printing.

Edwin Warren Moise, of Louisiana, to be judge of the district of Louisiana, to fill the vacancy occasioned by the refusal of Thomas J. Semmes to accept the appointment.

Elias E. Blackburn, of Florida, to be marshal of the district of Florida.

Fernando J. Moreno, of Florida, to be marshal of the admiralty court at Key West.

Daniel H. Hamilton, of Charleston, S. C., to be marshal of the district of South Carolina.

Henry E. McCulloch, of Galveston, Tex., to be marshal of the district of Texas.

Benjamin Pattison, of Huntsville, Ala., to be marshal of the district of Alabama.

William H. H. Tison, of Baldwin, Miss., to be marshal of the district of Mississippi.

Constantine B. Beverly, of New Orleans, to be marshal of the district of Louisiana.

Thomas L. Ross, of Macon, Ga., to be marshal of the district of Georgia.

D. P. Holland, of Apalachicola, to be district attorney for the district of Florida.

John L. Tatum, of Key West, Fla., to be attorney for the court of admiralty at Key West.

George Mason, of Galveston, Tex., to be district attorney for the district of Texas.

Carnot Posey, of Woodville, Miss., to be district attorney for the district of Mississippi.

James Conner, of Charleston, to be district attorney for the district of South Carolina.

Henry C. Miller, of New Orleans, to be district attorney for the district of Louisiana.

A. J. Requier, of Mobile, to be district attorney for the district of Alabama.

Hamilton Cooper, of Savannah, to be district attorney for the district of Georgia.

I beg to suggest that you also ask the approval of Congress to the correction made of the clerical error in the name of the district judge of South Carolina. A commission was issued to "Andrew Gordon Magrath," which is the true name of the gentleman who was confirmed by the Congress at the last session, but whose name was by mistake written "Alexander Gordon Magrath."<sup>a</sup>

Respectfully, your obedient servant,

J. P. BENJAMIN.

<sup>a</sup>Name corrected on p. 153.

On motion of Mr. Clayton, the nominations sent in by the President, hereinbefore set forth, were referred to the Committee on the Judiciary.

There being no further business in executive session, Congress resumed business in ordinary session.

MONDAY, MAY 6, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Dr. Manly.

The Chair laid before Congress a communication from J. Patton Anderson: which, on motion of Mr. Morton, was ordered to be spread on the Journal. It is as follows:

NEAR PENSACOLA, FLA., May 1, 1861.

HON. HOWELL COBB,

*President, etc., Montgomery, Ala.*

SIR: On the 8th April last I addressed to you a communication formally resigning the seat in the body over which you preside, which I had the honor of holding from the State of Florida. I have this day learned that up to a late date that communication had not been received. I desire therefore to repeat its tenor as I have indicated. The new relations I have voluntarily assumed with another branch of the Government render this course proper, that a successor may supply my place in the Congress.

With many of the liveliest and most pleasing recollections of my brief association with the memorable body over which you so worthily preside, and with sentiments of the highest regards for yourself personally,

I am, sir, very respectfully, your obedient servant,

J. PATTON ANDERSON.

Mr. Curry introduced

A bill to fix the time for the election of Representatives to Congress and the time for the assembling of the Congress: which was read first and second times and referred to the Committee on Judiciary.

Mr. Curry also introduced

A bill to provide for the election of President and Vice-President; which was read first and second times and referred to the Committee on Judiciary.

Mr. Morton presented a memorial from the president of the Pensacola and Georgia Railroad Company: which was referred to the Committee on Finance.

Congress then went into secret session; and after remaining some time therein, adjourned until 12 o'clock to-morrow.

SECRET SESSION.

Congress having resolved itself in secret session,

Mr. Brooke offered the following resolutions:

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of adopting a system of finance based on the following propositions:

1. The soliciting of subscriptions of cotton, tobacco, rice, and sugar by agents appointed for this purpose, said products to be delivered at the several seaports of the Confederacy.
2. Said products to be sold for and on account of the Government, and the net amount to be accounted for to the subscribers, respectively, in Treasury notes or bonds.
3. The Treasury notes and bonds to be made receivable for all public dues except the export duty on cotton, and to be made a legal tender in the payment of all debts.
4. The cotton and other products so tendered or subscribed to be sold upon [before] any others are permitted to be sold on private account.

5. No cotton, rice, tobacco, or sugar to be permitted to be shipped North by railroad or river, and only from the seaports of the Confederate States.

6. Said products so subscribed to be made deliverable out of the next crop and succeeding crops for the next five years.

7. The appointment of an agent to Europe to offer the products so subscribed to European powers on their agreement to send for them, and also to procure a loan predicated upon the arrangement.

The resolutions were agreed to.

Mr. Cobb offered the following resolution; which was adopted:

*Resolved*, That the Committee on Finance be requested to inquire into the propriety of exempting from the present act imposing duties on imports all goods brought into the Confederate States from the States of Virginia, Maryland, North Carolina, Tennessee, and Arkansas, and report by bill.

Mr. Chilton, from the Committee on Postal Affairs, reported

A bill to establish and organize a bureau in connection with the Department of the Treasury for the Post-Office Department; which was read a first and second time, placed on the Calendar, and ordered to be printed.

Mr. Chilton, from the same committee, also reported

A bill to amend an act vesting certain powers in the Postmaster-General, approved March 15, 1861:

which was read a first and second time, ordered to be placed on the Calendar, and to be printed.

On motion of Mr. Nisbet, the special order was postponed for the time and Congress proceeded to the consideration of

A bill to approve and ratify the convention and agreement entered into between the Commonwealth of Virginia and the Confederate States of America.

The bill was engrossed, read a third time, and passed.

On motion of Mr. Cobb,

The bill to define the jurisdiction of the Federal courts in certain cases; and

A bill to prohibit the introduction of slaves from any State not a member of this Confederacy were transferred from the Public to the Secret Calendar.

On motion of Mr. Clayton, the following bill was also transferred from the Public to the Secret Calendar, to wit:

A bill to establish a court of admiralty and maritime jurisdiction in the State of Mississippi for the counties lying on the Mississippi River in said State.

Mr. Perkins, from the Committee on Foreign Affairs, to which was recommitted the bill relative to telegraphic lines in the Confederate States, and amendments, reported a substitute; which was ordered to be printed.

Mr. Bartow, from the Committee on Military Affairs, to which was referred a bill to provide for the manufacture of powder for the Confederate States, reported the same back without amendment, with a recommendation that it do pass.

The bill was placed on the Calendar.

Mr. Bartow, from the same committee, to which was referred a bill relative to invalid pensions, reported the same back with all the bill excepting the title and the first section thereof stricken out.

The report was ordered to be placed on the Calendar and to be printed.

Mr. Bartow, from the same committee, to which was referred a bill further to provide for the public defense, reported a substitute, with a

recommendation that it be read for information during the consideration of the bill by the same title on the Calendar.

Mr. Memminger offered the following resolution; which was agreed to, viz:

*Resolved*, That a committee on pay and mileage, to consist of three members, shall be appointed, who shall be charged with the duty of certifying the pay and mileage due to each member of Congress; and that the warrant of the President of Congress upon such certificate shall authorize the Treasurer of the Confederate States to pay the same.

The Chair appointed Messrs. Campbell, Davis, and Ochiltree.

Congress then proceeded to the consideration of the special order, it being

A bill to raise an additional military force to serve during the war.

Mr. Wright offered the following amendment as a substitute, to wit:

An act to make further provision for the public defense.

Whereas the Confederate States of America are menaced with war and an invasion of their territory; and

Whereas the public welfare may require the reception of volunteer forces into the service of the Confederate States, without the formality and delay of a call upon the respective States:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be authorized to receive into service such companies, battalions, or regiments, either mounted or on foot, as may tender themselves, and he may require, without the delay of a formal call upon the respective States, to serve for such time as he may prescribe.

SEC. 2. Such volunteer forces who may be accepted under this act, except as herein differently provided, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defense," and be entitled to all the allowances provided therein, and when mustered into service may be attached to such divisions, brigades, or regiments as the President may direct, or ordered upon such independent or detached service as the President may deem expedient.

SEC. 3. The President shall be authorized to commission all officers entitled to commissions, of such volunteer forces as may be received under the provisions of this act.

On motion of Mr. Stephens, the further consideration of the bill was postponed until to-morrow, and to remain the special order. It was further ordered that the amendments to the bill be printed.

A message was received from the President that he had approved and signed

A resolution of thanks to Brig. Gen. G. T. Beauregard and the army under his command for their conduct in the affair of Fort Sumter; also

An act recognizing the existence of war between the United States and the Confederate States; and concerning letters of marque, prizes, and prize goods.

The following message was also received from the President, viz:

*To the Congress of the Confederate States:*

I lay before the Congress, for their consideration and advice as to its ratification, a copy of the convention between the Confederate States and the Commonwealth of Virginia, which was signed at the city of Richmond on the 24th day of April, 1861, by the Hon. Alexander H. Stephens on the part of the Confederate States, and by commissioners appointed for that purpose on the part of the State of Virginia.

While performing this act I congratulate the Congress and the people of the Confederate States upon the conclusion of this alliance, by which the great and powerful State of Virginia has made common cause with us and joined her energies and resources to ours, for our common defense, against the unprovoked war of aggression which the Chief Magistrate of the United States has declared against us.

JEFFERSON DAVIS.

MONTGOMERY, May 6, 1861.



The following is a copy of the convention referred to:

Convention between the Commonwealth of Virginia and the Confederate States of America.

The Commonwealth of Virginia, looking to a speedy union of said Commonwealth and the other slave States with the Confederate States of America, according to the provisions of the Constitution for the Provisional Government of said States, enters into the following temporary convention and agreement with said States for the purpose of meeting pressing exigencies affecting the common rights, interests, and safety of said Commonwealth and said Confederacy:

First. Until the union of said Commonwealth with said Confederacy shall be perfected and said Commonwealth shall become a member of said Confederacy, according to the constitutions of both powers, the whole military force and military operations, offensive and defensive, of said Commonwealth in the impending conflict with the United States shall be under the chief control and direction of the President of said Confederate States, upon the same principles, basis, and footing as if said Commonwealth were now and during the interval a member of said Confederacy.

Second. The Commonwealth of Virginia will, after the consummation of the union contemplated in this convention and her adoption of the Constitution for a permanent Government of said Confederate States—and she shall become a member of said Confederacy under said permanent Constitution, if the same occur—turn over to said Confederate States all the public property, naval stores, and munitions of war, etc., she may then be in possession of acquired from the United States, on the same terms and in like manner as the other States of said Confederacy have done in like cases.

Third. Whatever expenditures of money, if any, said Commonwealth of Virginia shall make before the union under the Provisional Government, as above contemplated, shall be consummated, shall be met and provided for by said Confederate States.

This convention entered into and agreed to in the city of Richmond, Va., on the 24th day of April, 1861, by Alexander H. Stephens, the duly authorized commissioner to act in the matter for the said Confederate States, and John Tyler, William Ballard Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, parties duly authorized to act in like manner for said Commonwealth of Virginia, the whole subject to the approval and ratification of the proper authorities of both governments, respectively.

In testimony whereof the parties aforesaid have hereunto set their hands and seals the day and year aforesaid, and at the place aforesaid, in duplicate originals.

ALEXANDER H. STEPHENS, [SEAL.]  
*Commissioner for Confederate States.*

JOHN TYLER, [SEAL.]  
WM. BALLARD PRESTON, [SEAL.]  
S. McD. MOORE, [SEAL.]  
JAMES P. HOLCOMBE, [SEAL.]  
JAMES C. BRUCE, [SEAL.]  
LEWIS E. HARVIE, [SEAL.]

*Committee of the Convention.*

*Be it ordained by this convention,* That the convention entered into on the 24th of April, 1861, between Alexander H. Stephens, commissioner of the Confederate States, and John Tyler, William Ballard Preston, S. McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, commissioners of Virginia, for a temporary union of Virginia with said Confederate States, under the Provisional Government adopted by said Confederate States, be, and the same is hereby, ratified and confirmed on the terms agreed upon by said commissioners.

Adopted by the convention of Virginia, April 25, 1861.

JOHN JANNEY, *President.*

JNO. L. EUBANK, *Secretary.*

Congress having had under consideration and taken action touching the matter of said convention, on motion of Mr. Rhett, the message of the President and accompanying papers were laid on the table.

On motion of Mr. Stephens,

Congress adjourned until to-morrow 12 o'clock.

## EXECUTIVE SESSION.

The Congress having gone into executive session.

Mr. Clayton, from the Committee on the Judiciary, to which was referred the nominations sent into the Congress by the President on the 4th day of this month, as also the suggestion of the Attorney-General in regard to the correction of a clerical error, whereby the name of "Andrew Gordon Magrath," appointed district judge of South Carolina, was written "Alexander Gordon Magrath," made the following report:

The Committee on the Judiciary, to which was referred the nominations sent into the Congress by the President, at the instance of the Attorney-General, on the 4th day of this month, beg leave to report that they have considered the said nominations, and return the same to the Congress, recommending that the Congress advise and consent to the same; and they further recommend as to the suggestion of the Attorney-General in relation to the clerical error in the writing of the name of the district judge of South Carolina, that the same be corrected and that the name of the said judge be made to appear on the Journal of Congress as "Andrew Gordon Magrath."

The question was,

Shall the Congress concur in the report, and advise and consent to the nominations referred to therein?

Mr. Ochiltree moved to lay so much of the report as recommends that the Congress advise and consent to the appointment of Henry E. McCulloch as marshal of the district of Texas on the table; which motion prevailed.

The question recurred,

Shall the Congress concur in the report as modified, and advise and consent to the nominations therein recommended?

And the Congress did thereupon unanimously concur in the said report, and advise and consent to each of the several nominations referred to therein, except that of Henry E. McCulloch, as marshal of the district of Texas.

The following message and accompanying documents were received from the President of the Confederate States:

*To the Congress of the Confederate States:*

I lay before the Congress, for their consideration and advice as to its ratification, a convention between the Confederate States and the Commonwealth of Virginia, which was signed at the city of Richmond on the 24th day of April, 1861, by the Hon. Alexander H. Stephens on the part of the Confederate States, and by commissioners appointed for that purpose on the part of the State of Virginia.

While performing this act I congratulate the Congress and the people of the Confederate States upon the conclusion of this alliance, by which the great and powerful State of Virginia has made common cause with us and joined her energies and resources to ours, for our common defense, against the unprovoked war of aggression which the Chief Magistrate of the United States has declared against us.

JEFFERSON DAVIS.

MONTGOMERY, May 6, 1861.

Convention between the Commonwealth of Virginia and the Confederate States of America.

The Commonwealth of Virginia, looking to a speedy union of said Commonwealth and the other slave States with the Confederate States of America, according to the propositions [provisions] of the Constitution for the Provisional Government of said States, enters into the following temporary convention and agreement with the said States for the purpose of meeting pressing exigencies affecting the common rights, interests, and safety of said Commonwealth and said Confederacy:

First. Until the union of said Commonwealth with said Confederacy shall be perfected and said Commonwealth shall become a member of said Confederacy, according to the constitutions of both powers, the whole military force and military operations, offensive and defensive, of said Commonwealth in the impending conflict with the United States shall be under the chief control and direction of the President of said Confederate States, upon the same principles, basis, and footing as if said Commonwealth were now and during the interval a member of said Confederacy.

Second. The Commonwealth of Virginia will, after the consummation of the union contemplated in this convention and her adoption of the Constitution for a permanent Government of said Confederate States—and she shall become a member of said Confederacy under said permanent Constitution, if the same occur—turn over to said Confederate States all the public property, naval stores, and munitions of war, etc., she may then be in possession of acquired from the United States, on the same terms and in like manner as the other States of said Confederacy have done in like cases.

Third. Whatever expenditures of money, if any, the said Commonwealth of Virginia shall make before the union under the Provisional Government, as above contemplated, shall be consummated, shall be met and provided for by said Confederate States.

This convention entered into and agreed to in the city of Richmond, Va., on the 24th of April, 1861, by Alexander H. Stephens, the duly authorized commissioner to act in the matter for the said Confederate States, and John Tyler, William [Ballard] Preston, Samuel McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, parties duly authorized to act in like manner for said Commonwealth of Virginia, the whole subject to the approval and ratification of the proper authorities of both governments, respectively.

In testimony whereof the parties aforesaid have hereto set their hands and seals the day and year aforesaid, in duplicate originals.

JOHN TYLER,  
WM. B. PRESTON,  
JAS. P. HOLCOMBE,  
SAML. McD. MOORE,  
JAS. C. BRUCE,  
LEWIS E. HARVIE,

*Commissioners for Virginia.*

ALEXANDER H. STEPHENS,  
*Commissioner for the Confederate States.*

An ordinance for the adoption of the Constitution of the Provisional Government of the Confederate States of America.

We, the delegates of the people of Virginia, in convention assembled, solemnly impressed by the perils which surround the Commonwealth, and appealing to the Searcher of hearts for the rectitude of our intentions in assuming the grave responsibility of this act, do, by this ordinance, adopt and ratify the Constitution of the Provisional Government of the Confederate States of America, ordained and established at Montgomery, Ala., on the 8th day of February, 1861: *Provided*, That this ordinance shall cease to have any legal operation or effect if the people of this Commonwealth, upon the vote directed to be taken on the ordinance of secession passed by this Commonwealth on the 17th day of April, 1861, shall reject the same.

Mr.                      offered the following resolution:

A resolution to ratify the agreement and convention entered into between the Commonwealth of Virginia and the Confederate States of America.

*Resolved by the Congress of the Confederate States of America (two-thirds of the Congress concurring therein), That the Congress advises and consents to the ratification of the convention and agreement entered into on the twenty-fourth day of April, eighteen hundred and sixty-one, at Richmond, Virginia, between the Commonwealth of Virginia, by her commissioners, and the Confederate States of America, by their commissioner, the Honorable Alexander H. Stephens.*

The question was on the adoption of the resolution; and

The same being put,

The resolution was adopted by the unanimous vote of the Congress.

TUESDAY, MAY 7, 1861.

OPEN SESSION.

Congress met pursuant to adjournment, and prayer was offered by the Rev. Mr. Cobbs.

Mr. Brooke presented the following ordinance adopted by the convention of Virginia, viz:

An ordinance for the adoption of the Constitution of the Provisional Government of the Confederate States of America.

We, the delegates of the people of Virginia, in convention assembled, solemnly impressed by the perils which surround the Commonwealth, and appealing to the Searcher of hearts for the rectitude of our intentions in assuming the grave responsibility of this act, do, by this ordinance, adopt and ratify the Constitution of the Provisional Government of the Confederate States of America, ordained and established at Montgomery, Ala., on the 8th day of February, 1861: *Provided*, That this ordinance shall cease to have any legal operation or effect if the people of this Commonwealth, upon the vote directed to be taken on the ordinance of secession passed by this convention on the 17th day of April, 1861, shall reject the same.

Adopted by the convention of Virginia, April 25, 1861.

JOHN JANNEY, *President*.

Attest:

JNO. L. EUBANK, *Secretary*.

In pursuance of a resolution adopted by the convention on the 29th day of April, 1861, Robert M. T. Hunter, William C. Rives, John W. Brockenbrough, Waller R. Staples, and Gideon D. Camden were elected to represent the State of Virginia in the Congress of the Confederate States; and by a resolution adopted by the convention on the 1st day of May, 1861, the said Representatives were instructed to proceed as soon as possible to Montgomery and ask admission for this State into said Confederacy.

JOHN JANNEY, *President*.

Attest:

JNO. L. EUBANK, *Secretary*.

VIRGINIA, to wit:

I, John Letcher, governor of the State aforesaid, do hereby certify and make known unto all whom it may concern that the foregoing documents are true copies of an ordinance and of the proceedings of the convention of the Commonwealth of Virginia on the days above specified, and that to the same full faith, credit, and authority are due and ought to be given. In testimony whereof I have subscribed my name and caused the great seal of the State to be affixed hereunto.

Done at the city of Richmond the 2d day of May, in the year of our Lord 1861, and of the Commonwealth the eighty-fifth.

JOHN LETCHER.

By the governor:

GEORGE W. MUNFORD,  
*Secretary of Commonwealth.*

Mr. Brooke announced that John W. Brockenbrough and Waller R. Staples, two of the Delegates from Virginia, were present;

When,

On motion of Mr. Rhett, the Delegates from Virginia were invited to attend the Congress in secret session.

Congress then resolved itself into secret session; and after remaining some time therein, adjourned until 12 o'clock to-morrow.

SECRET SESSION.

Congress having resolved itself in secret session,

On motion of Mr. Nisbet, at the instance of the State of Georgia, the bill to approve and ratify the convention and agreement entered into between the Commonwealth of Virginia and the Confederate States of America was reconsidered.



The bill was taken up for consideration.

Mr. Nisbet offered as a substitute therefor the following resolution, viz:

A resolution to ratify the agreement and convention entered into between the Commonwealth of Virginia and the Confederate States of America.

*Resolved by the Congress of the Confederate States of America (two-thirds of the Congress concurring therein), That the Congress advises and consents to the ratification of the convention and agreement entered into on the twenty-fourth day of April, eighteen hundred and sixty-one, at Richmond, Virginia, between the Commonwealth of Virginia, by her commissioners, and the Confederate States of America, by their commissioner, the Honorable Alexander H. Stephens.*

The motion prevailed.

The resolution was engrossed, read a third time, and unanimously adopted.

Mr. Stephens introduced

A bill to admit the Commonwealth of Virginia as a member of the Confederate States of America;

which was read a first and second time, engrossed, read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution to ratify the agreement and convention entered into between the Commonwealth of Virginia and the Confederate States of America; and

A bill to admit the Commonwealth of Virginia as a member of the Confederate States of America.

Mr. John W. Brockenbrough and Mr. Waller R. Staples, Delegates from the State of Virginia, appeared, were qualified, and took their seats.

Mr. Harris presented communications, resolutions, etc., from the Choctaw and Chickasaw tribes of Indians: which were referred to the Committee on Indian Affairs.

Mr. Shorter, from the Committee to Arrange for Government Buildings, reported relative to the renting of certain houses for the use of the Confederate States; which was referred, together with accompanying papers, to the Committee on Finance.

Mr. Shorter, from the same committee, also presented certain accounts against the Confederate States; which were referred to the Committee on Accounts.

Mr. Toombs, from the Committee on Finance, reported

A bill in relation to the Confederate loan; which was ordered on the Calendar and to be printed.

Mr. Clayton, from the Committee on Judiciary, reported

A bill to prescribe uniform rules of naturalization; which was ordered to be placed on the Calendar and to be printed.

Mr. Oldham, from the Committee on Judiciary, made a minority report and submitted a substitute for the bill

To prescribe uniform rules of naturalization; which was ordered to be printed.

Mr. Bartow, from the Committee on Military Affairs, made the following report:

The Committee on Military Affairs, to whom was referred a resolution of inquiry upon the propriety of authorizing the Secretary of War at once to cause the First and Second Regiments of South Carolina Volunteers, now in Virginia, to be mustered

into the service of the Confederate States upon the conditions proposed by the governor of South Carolina and accepted by the Secretary of War when the said regiments were suddenly ordered to Virginia, have considered the same, and ask leave to report that in their opinion it is inexpedient to depart from the rules prescribed by existing laws and give instruction to the Secretary of War for his action in particular cases, and that it will become extremely embarrassing to the service to make discriminations in favor of particular regiments or companies of volunteers.

The report was agreed to.

Mr. Bartow, from the same committee, reported the following resolution:

*Resolved*, That the Secretary of War be authorized to purchase for distribution ten thousand copies of a revised edition of Hardee's Infantry Tactics: *Provided*, That the cost of the same shall not exceed one dollar a copy.

Mr. Oldham moved to amend the resolution by striking therefrom the proviso.

Mr. Curry moved to postpone the consideration of the resolution indefinitely, and thereon demanded the question; which was seconded, and the motion prevailed.

Mr. Brooke, from the Committee on Patents, reported

A bill to secure copyrights to authors and composers; which was placed on the Calendar.

Mr. Ochiltree introduced

A bill to authorize the President to appoint an officer to take command on the coast of Texas on special duty, and to provide for his pay and emolument;

which was referred to the Committee on Naval Affairs.

Mr. Chilton, from the Committee on Postal Affairs, reported

A bill to amend an act to prescribe the rates of postage in the Confederate States of America, and for other purposes, approved February 23, 1861;

which was ordered to be placed on the Calendar and to be printed.

Mr. Chilton, from the same committee, also reported

A bill to amend an act entitled "An act further to provide for the organization of the Post-Office Department," approved March 9, 1861; which was placed on the Calendar and ordered to be printed.

Mr. Bartow, from the Committee on Military Affairs, presented a report made to said committee by J. Gorgas, major and chief of ordnance; which was ordered to be printed.

Mr. Conrad introduced

A bill to define the limits of the port of New Orleans, and for other purposes;

which was referred to the Committee on Commercial Affairs.

Congress then proceeded to the consideration of the special order, it being

A bill to raise an additional military force to serve during the war.

The first section being as follows:

*The Congress of the Confederate States of America do enact*, That in addition to the volunteer force authorized to be raised under existing laws, the President be, and he is hereby, authorized to accept the services of volunteers who may offer their services, either as cavalry, mounted riflemen, artillery, or infantry, in such proportion of their several arms as he may deem expedient, to serve for and during the existing war, unless sooner discharged.

Mr. Ward offered the following amendment, viz:

*Provided*, That if the State to which such volunteers belong be one of the Confederate States, the tender of their services shall be made through the governor thereof, and approved by him.

Mr. Kenan moved to lay the same on the table, and thereon Mr. Kenner demanded the question; which was seconded, and the motion prevailed.

Mr. Kenan offered the following amendment, viz:

That the President shall have the power to accept of all troops tendered with a qualification as to the time of their being ordered into the public service.

Mr. Harris moved to amend the section by inserting after the word "services," where it last occurs, the words "without regard to the place of enlistment;" which was agreed to.

Mr. Clayton moved to amend by inserting after the word "war" the words "or for such shorter period as he may deem proper."

Mr. Campbell moved to amend the section by inserting after the words "to serve for" the words "the term of two years or for any greater time or for."

Mr. Kenner thereon demanded the question.

The demand was sustained, and the motion was lost.

Mr. Chesnut demanded the question on Mr. Clayton's motion to amend; which was seconded, and the same was lost.

Mr. Hale demanded the question on Mr. Kenan's motion to amend.

The demand was sustained, and the motion to amend was lost.

The second section being as follows:

SEC. 2. That the volunteers so offering their services may be accepted by the President in companies, squadrons, battalions, or regiments. The President shall appoint all field officers, and the company officers shall be elected by the men composing the company, and when so elected shall be commissioned by the President.

On motion of Mr. Bartow, the same was amended by inserting after the word "field" the words "and staff," and by substituting the word "but" for the word "and," where it first occurs, and by striking out the words "and when," where they last occur, and inserting in lieu thereof the words "and if accepted, the officers."

Mr. Crawford moved to amend the section by striking therefrom the last sentence and inserting in lieu thereof the following, to wit:

The officers shall be elected by the men composing the companies, squadrons, battalions, and regiments, respectively, and when so elected shall be commissioned by the President: *Provided, however,* That the President may in his discretion appoint the field and staff officers to regiments of volunteers from States or Territories not members of or belonging to this Confederacy.

The motion was lost, and Mr. Ochiltree, at the instance of the State of Texas, called for the yeas and nays of the entire body, and which are as follows:

Alabama—Yea: Mr. Chilton. Nay: Messrs. Walker, Hale, Jones, Shorter, and Davis.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Crawford, Nisbet, Hill, Wright, T. R. R. Cobb, Kenan, and Stephens. Nay: Mr. Bartow.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Mr. Orr. Nay: Messrs. Harris, Brooke, Clayton, Barry, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett, Keitt, Chesnut, and Miles. Nay: Messrs. Barnwell and Withers.

Texas—Yea: Messrs. Hemphill, Oldham, and Ochiltree. Nay: Messrs. Wigfall, Waul, and Gregg.

Virginia—Nay: Messrs. Brockenbrough and Staples.

The section as amended is as follows:

SEC. 2. That the volunteers so offering their services may be accepted by the President in companies, to be organized by him into squadrons, battalions, or regiments. The President shall appoint all field and staff officers, but the company officers shall be elected by the men composing the company; and if accepted, the officers so elected shall be commissioned by the President.

Mr. Cobb offered the following as a separate section, to be section 3. to wit:

*Be it further enacted*, That any vacancies occurring in the ranks of the several companies mustered into service under the provisions of this act, may be filled by volunteers accepted under the rules of such companies; and any vacancies occurring in the officers of such companies shall be filled by elections in accordance with the same rules.

The motion was agreed to.

Mr. Wright withdrew his substitute.

The bill as amended was engrossed, read a third time, and passed. Congress proceeded to the consideration of a bill to make further provision for the public defense, by sections:

When,

On motion of Mr. Morton, the further consideration of the bill was postponed.

Mr. Cobb move that the hour of 11 o'clock a. m. be fixed for the daily assembling of Congress.

The motion was lost.

Mr. Brockenbrough presented the following resolution and certificate: which were referred to the Committee on Military Affairs, viz:

*Resolved*, That the representatives of Virginia to the Congress of the Confederate States be, and they are hereby, instructed to urge the speedy adoption of measures for the procurement of arms from Europe for the Southern States.

EXECUTIVE DEPARTMENT,

Richmond, Va., May 2, 1861.

I hereby certify that the foregoing is a true copy of a resolution adopted by the convention of Virginia on the 1st day of May, 1861.

GEORGE W. MUNFORD,

Secretary of the Commonwealth.

On motion of Mr. Morton,

Congress adjourned until 12 o'clock to-morrow.

WEDNESDAY, MAY 8, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

The Chair laid before Congress the following dispatch:

LITTLE ROCK, May 6, 1861.

To Hon. H. COBB:

Through you I with pleasure announce to Congress that Arkansas has this day passed an unconditional ordinance of secession by a unanimous vote.

D. P. HILL,

Commissioner of Georgia.

Mr. Morton offered the following resolution: which was agreed to, viz:

*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the propriety of appointing chaplains in the Navy of the Confederate States.



Mr. Ochiltree introduced

A bill to provide a compensation for the disbursing officers of the several Executive Departments;

which was referred to the Committee on Finance.

Mr. Conrad moved that a standing committee be raised to be known as the Committee on Claims, to consist of six members.

The motion was agreed to, and the Chair appointed as said committee Messrs. Gregg, Hill, Marshall, Orr, Ward, and Jones.

Congress then went into secret session; and after remaining some time therein, adjourned until 12 o'clock to-morrow.

#### SECRET SESSION.

Congress being in secret session.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to raise an additional military force to serve during the war.

Mr. Hemphill reported

A bill to authorize the transfer of appropriations; which was read the first and second times and referred to the Committee on Finance.

Mr. De Cloutet, from the Committee on Accounts, to whom was referred a resolution to fill a clerical vacancy in the office of Assistant Secretary of Congress and a resolution to appoint an engrossing clerk for the Congress, reported adversely to the passage of the same.

On motion of Mr. De Cloutet, the report was agreed to and the resolutions laid on the table.

Congress then proceeded to the consideration of

A bill to make further provision for the public defense.

The following message was received from the President, through his Private Secretary, Mr. Josselyn:

*Mr. President:* The President on yesterday approved and signed

An act to admit the Commonwealth of Virginia as a member of the Confederate States of America.

I am instructed by the President to deliver to Congress a communication in writing.

On motion of Mr. Barnwell, the consideration of the bill was postponed for the present, and the message of the President was taken up and read, viz:

GENTLEMEN OF THE CONGRESS: In the message addressed to you on the 29th ultimo, I referred to the course of conduct of the Government of the United States toward the commissioners of this Government sent to Washington for the purpose of effecting, if possible, a peaceful adjustment of the pending difficulties between the two Governments. I also made allusion to "an intermediary whose high position and character inspired the hope of success," but I was not then at liberty to make my communication on this subject as specific as was desirable for a full comprehension of the whole subject. It is now, however, in my power to place before you other papers which I herewith address to you. From them you will perceive that the intermediary referred to was the Hon. John A. Campbell, a judge of the Supreme Court of the United States, who made earnest effort to promote the successful issue of the mission intrusted to our commissioners, and by whom I was kept advised, in confidential communications, of the measures taken by him to secure so desirable a result. It is due to you, to him, and to history, that a narration of the occurrences with which he was connected should be made known, the more especially, as it will be seen by the letters hereto appended, that the correctness and accuracy of the recital have not been questioned by the Secretary of State of the United States, to whom it was addressed.

I avail myself of this opportunity to correct an error in one of the statements made in my message of the 29th April. It is there recited that I was prompted to call you

together in extraordinary session by reason of the declarations contained in the proclamation of President Lincoln of the 15th April. My proclamation convoking you was issued on the 12th April, and was prompted by the declaration of hostile purposes contained in the message sent by President Lincoln to the governor of South Carolina on the 8th April. As the proclamation of President Lincoln of the 15th April repeated the same hostile intention in more specific terms and on a much more extensive scale, it created a stronger impression on my mind and led to the error above alluded to, and which, however unimportant, I desire to correct.

· JEFFERSON DAVIS.

· MONTGOMERY, *May 8, 1861.*

On motion of Mr. Barnwell, the message, together with the accompanying documents, was referred to the Committee on Foreign Affairs.

The Congress resumed the consideration of the bill to make further provision for the public defense.

Mr. Bartow moved to amend the same by striking out all after the enacting clause and substituting in lieu thereof the report of the Committee on Military Affairs.

Mr. Barry moved to amend the amendment by striking out all after the enacting clause and substituting in lieu thereof the following, to wit:

1. That the President be authorized to call into the public service one hundred thousand volunteers in addition to those authorized by an act entitled "An act to provide for the public defense," who shall be subject to all the provisions and entitled to all the allowances provided in said act.

2. In the event of any emergency requiring such action on his part, the President is authorized to call for any number of volunteers which, in his judgment, may be necessary for the emergency, and to serve for such time less than twelve months as he may deem requisite.

Mr. Hale moved to amend the first section of the amendment of the Military Committee authorizing the President to receive into service such companies, battalions, or regiments tendering themselves as he may require without formal call on the States, to serve for such time as he may prescribe, by adding at the end thereof the words "not less than two years."

Mr. Withers demanded the question; which was seconded, and the vote being taken by States, is as follows:

Yea: Alabama, Georgia, Mississippi, and South Carolina.

Nay: Florida, Louisiana, Texas, and Virginia.

So the motion was lost.

The question recurred on the motion of Mr. Barry to amend.

Mr. Withers demanded the question; which was seconded, and the motion was lost.

The question being on the motion of Mr. Bartow, from the Committee on Military Affairs, to amend, Mr. Withers demanded the question; which was seconded, and the motion prevailed.

Mr. Cobb moved to amend the bill as amended by adding to the third section of the same; which is as follows:

The President shall be authorized to commission all officers entitled to commissions of such volunteer forces as may be received, under the provisions of this act,

By adding thereto the following words, viz:

and upon the request of the officer commanding such volunteer regiment, battalion, or company, the President may attach a supernumerary officer to each company detailed from the Regular Army for that purpose, and for such time as the President may direct;

which motion prevailed.

On motion of Mr. Harris, the second section of the bill, which is as follows, viz:

Such volunteer forces who may be accepted under this act, except as herein differently provided, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defense," and be entitled to all the allowances provided therein, and when mustered into service may be attached to such divisions, brigades, or regiments as the President may direct, or ordered upon such independent or detached service as the President may deem expedient,

was amended by adding thereto the following proviso:

*Provided, however,* That battalions and regiments may be enlisted from States not of this Confederacy, and the President may appoint all or any of the field officers thereof.

The bill was engrossed, read a third time, and passed as amended.

Mr. Miles reported a resolution in regard to military expenditures made by the State of South Carolina; which was read the first and second times and made the special order of the day for to-morrow.

Congress proceeded to the consideration of

A bill to amend an act vesting certain powers in the Postmaster-General, approved March 15, 1861.

The bill was engrossed, read a third time, and passed.

A communication was received from the Secretary of War relative to the manufacture of powder and arms; which was referred to the Committee on Military Affairs.

Mr. Memminger introduced

A bill to suspend the operations of the mints; which was referred to the Committee on Finance.

On motion of Mr. Withers,

Congress adjourned until 12 o'clock to-morrow.

#### THURSDAY, MAY 9, 1861.

##### OPEN SESSION.

Congress met pursuant to adjournment.

Mr. Wright presented a communication from Pleasant Stovall; which, without being read, was referred to the Committee on Military Affairs.

There being no business on the Public Calendar, Congress went into secret session; and after remaining some time therein, adjourned until 12 o'clock to-morrow.

##### SECRET SESSION.

Congress having resolved itself in secret session.

Mr. Harris offered the following resolutions, viz:

*Resolved,* That the Committee on Military Affairs be instructed to consider at once the propriety of establishing four principal military districts, two embracing the seaboard, one the States on the Mississippi River, and one embracing the States of Virginia and North Carolina, when the latter shall have joined this Confederacy.

*Resolved further,* That the committee consider the propriety of directing the appointing of general officers to be placed in command of these districts, with a view to the effectual organization of the same for defense.

*Resolved further,* That the committee consider the propriety of establishing military camps for organization and instruction and for the assembling of volunteers offering their services into such encampments, and report by bill or otherwise;

which were agreed to.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act vesting certain powers in the Postmaster-General, approved March 15, 1861.

Mr. Cobb offered the following resolutions; which were referred to the Committee on Foreign Affairs, viz:

Whereas the Government of the Confederate States has been compelled to meet with arms the threatened invasion of their territory and blockade of their ports; and

Whereas the Government of the United States, with studied and persistent misrepresentation, endeavors to conceal its purpose of subjugating this people under the false imputation of aggressive intentions never entertained by these States; and

Whereas, under these circumstances, it is proper to make known clearly and definitely the object and policy of this Government: Therefore,

*Resolved by the Congress of the Confederate States,* That while it is absolutely necessary in the conduct of a military campaign to leave much to the discretion of the Commander in Chief, as pressing events may develop or modify a strategic policy, yet the leading purpose of this Government is to meet and repel any invasion of the territory of the States forming or which may form this Confederacy, and by the destruction of the commerce of our enemies on the high seas to compel them to desist from the unlawful seizure of our property or the attempted blockade of our ports.

(2) *Resolved,* That we recognize the right of any one of the States constituting the United States to withdraw from that political union, and at the same time resume jurisdiction over any portion of its territory which may have been ceded to that Government for the purposes of that union, and that it is the right and duty of the Confederate States to assist such State when incorporated into this Confederacy, in retaking any such territory thus unlawfully occupied by the Government of the United States.

Mr. Curry offered the following resolutions, viz:

*Resolved,* That the Committee on Constitution be requested to inquire into the expediency of an amendment to the Constitution authorizing the Vice-President to act as, and discharge the duties of, the President, when that officer shall consider that the public defense requires his absence from the seat of government.

*Resolved,* That it is in the judgment of this Congress the President, as soon as the public convenience will justify it, should take command in person of the Army of the Confederate States.

On motion of Mr. Keitt, the resolutions were referred to the Committee on Constitution.

Mr. Keitt presented certain papers of R. W. Habersham, of South Carolina, touching a new artillery saber and asking that it may be tested; which was referred to the Committee on Military Affairs, without being read.

Mr. Perkins, from the Committee on Foreign Affairs, reported

A bill to permit certain articles of property to be brought into the Confederate States; which was, on motion of Mr. Barnwell, referred to the Committee on Finance.

Mr. Kenner, from the Committee on Finance, to whom was referred a bill to suspend the operations of the mints, reported the same to the Congress without amendment, and recommended its passage.

The bill, on motion of Mr. Kenner, was taken up for consideration.

On motion of Mr. Wright, the bill was postponed for the present and placed on the Calendar.

Mr. Hemphill, from the Committee on Finance, to whom was referred the bill to authorize the transfer of appropriations, reported the same back to Congress without amendment, and recommended its passage.

The bill was ordered to be printed and placed on the Calendar.

Mr. Bartow, from the Committee on Military Affairs, to whom was



referred the communication of the Secretary of War in reference to the manufacture of arms and powder, reported resolutions conferring certain powers on the Secretary of War, under the direction of the President, in relation to arms and materials for gunpowder.

The resolutions were taken up, read a first and second time, engrossed, read a third time, and agreed to.

Mr. Campbell, from the Committee on Pay and Mileage, reported

A bill to amend an act entitled "An act to fix the pay of members of the Congress of the Confederate States of America," approved March 11, 1861:

which was read the first and second times, and being before Congress for action, Mr. Waul moved to amend the same by striking out in the words "each member shall be allowed ten cents per mile for coming to and ten cents per mile for returning from the place where Congress may assemble" the word "ten," where it occurred, and inserting in lieu thereof the word "twenty."

Mr. Wigfall moved to amend the amendment by striking out the word "twenty," where it occurred, and inserting in lieu thereof the word "forty."

Mr. Perkins demanded the question; which was seconded, and the motion was lost.

The question recurring on the motion of Mr. Waul, Mr. Perkins demanded the question; which was seconded, and the motion prevailed.

Mr. Chesnut moved to postpone the bill indefinitely.

Mr. Crawford demanded the question; which was seconded, and the motion was lost.

The bill was engrossed and read the third time, and on the question of the passage of the bill, Mr. Perkins demanded the question; which was seconded, and the vote thereon, being taken by States, is as follows, viz:

Yea: Louisiana, Mississippi, Texas, and Virginia.

Nay: Alabama, Florida, Georgia, and South Carolina.

The bill was lost.

The following message was received from the President, through his Private Secretary, Mr. Josselyn:

*Mr. President:* The President on yesterday approved and signed

An act to raise an additional military force to serve during the war.

And this day approved and signed

An act to amend an act vesting certain powers in the Postmaster-General, approved March 15, 1861.

Mr. Josselyn also presented to Congress a communication in writing from the President; which is as follows:

EXECUTIVE DEPARTMENT, *Montgomery, May 9, 1861.*

HON. HOWELL COBB,

*President of the Congress.*

SIR: I herewith transmit to the Congress a communication from the Secretary of War covering the report of operations in the reduction of Fort Sumter, together with the flag used on that occasion.

JEFFERSON DAVIS.

which was referred, with the accompanying documents, to the Committee on Military Affairs.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to authorize the purchase or construction of certain vessels of war;

which was read the first and second times and ordered to be placed on the Calendar.

Congress proceeded to the consideration of the special order of the day, a resolution in regard to the military expenditures made by the State of South Carolina; which was engrossed, read a third time, and agreed to.

Mr. Chesnut, from the Committee on Naval Affairs, reported

A bill to make appropriation for bringing [buying] 200 rifle cannon, 5 small steam propellers, and for providing sufficient crews and munitions for the same;

which was read the first and second times and ordered to be placed on the Calendar.

Congress took up for consideration

A bill relative to telegraph lines of the Confederate States.

The question being on the amendment reported by the Committee on Foreign Affairs, which was to strike out all of said bill after the enacting clause, and substituting in lieu thereof the following, namely:

That during the existing war, the President be, and he is hereby, authorized and empowered to take such control of such of the lines of telegraph in the Confederate States, and of such of the offices connected therewith, as will enable him effectually to supervise the communications passing through the same, to the end that no communications shall be conveyed of the military operations of the Government to endanger the success of such operations, nor any communication calculated to injure the cause of the Confederate States, or to give aid and comfort to their enemies.

SEC. 2. The President shall appoint trustworthy agents in such offices, and at such points on the various lines, as he may think fit, whose duty it shall be to supervise all communications sent or passing through said lines, and to prevent the transmission of any communications deemed to be detrimental to the public service.

SEC. 3. In case the owners and managers of said lines shall refuse to permit such suspension, or shall fail or refuse to keep up and continue the business on said lines, the President is hereby empowered to take possession of the same for the purposes aforesaid.

SEC. 4. The President shall, from time to time, issue instructions to the agents so appointed, and to the operators of the various lines, to regulate the transmission of communications touching the operations of the Government, or calculated to affect the public welfare.

SEC. 5. That in cases where the operators of the lines shall be found to be of sufficient capacity and fidelity, the President may constitute them the agents of the Government, so that in this, as in all other respects, there may be as little interference with the business and management of such lines as may be compatible with the public interest.

SEC. 6. That the compensation of the agents appointed under this act, where such agents are not officers of the company, and the expense attending the execution of the provisions of this act, shall be paid out of the Treasury.

SEC. 7. That no communications in cypher, nor enigmatical, or other doubtful communication shall be transmitted unless the person sending the same shall be known to the agent of the Government to be trustworthy, nor until the real purport of such communication shall be explained to such agent.

SEC. 8. That the President is hereby authorized, whenever it may be found necessary or advisable for the successful prosecution of the war, to extend existing lines of telegraph or make connections between the same, the expense of constructing such additional lines to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 9. That all present and future officers of the telegraphic lines engaged in receiving and transmitting intelligence within the Confederate States shall, as soon as practicable after the passage of this act, or after their appointment, take and subscribe before any judicial officer of any one of the Confederate States the following oath:

"I, A B, do solemnly swear that I will support and maintain the Constitution of the Confederate States of America, and will not knowingly, directly or indirectly, transmit through the telegraph any communication or information calculated to injure the cause of the Confederate States, or to give aid and comfort to their enemies."

SEC. 10. That if any person shall knowingly send or transmit any message or com-

munication touching the military operations of the Government, without the same being first submitted to the inspection of the agent of the Government, or any message calculated to aid and promote the cause of the enemies of the Confederate States, he shall be subject to indictment in the district court of the Confederate States, and on conviction shall be fined in a sum not less than five hundred dollars and imprisoned for a term not less than one year.

Mr. Chilton moved to amend the fifth section thereof by striking out the following first lines, viz:

That in cases where the operators of the lines shall be found to be of sufficient capacity and fidelity, the President may constitute them,

and inserting in lieu thereof the words "That the President, at his discretion, may employ," and to insert after the words "the operators of the lines" the word "as."

The motion prevailed, and the amendment as amended was agreed to.

The bill as amended was engrossed, read a third time, and passed.

Mr. Chilton, at the instance of the State of Alabama, moved to reconsider the vote taken on yesterday on the passage of the bill to make further provision for the public defense.

Mr. Crawford demanded the question; which was seconded, and Mr. Barry, at the instance of the State of Mississippi, demanded the yeas and nays on the motion; which are as follows:

Alabama—Yea: Messrs. Walker, Smith, Chilton, Hale, McRae, and Davis. Nay: Messrs. Curry, Shorter, and Jones.

Florida—Yea: Mr. Ward. Nay: Mr. Owens.

Georgia—Nay: Messrs. Howell Cobb, Bartow, Crawford, Nisbet, Hill, T. R. Cobb, Kenan, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, and Kenner. Nay: Mr. Sparrow.

Mississippi—Yea: Messrs. Barry and Campbell. Nay: Messrs. Harris, Brooke, Orr, and Harrison.

South Carolina—Yea: Messrs. Barnwell, Chesnut, and Boyce. Nay: Messrs. Rhett, Keitt, Miles, and Withers.

Texas—Yea: Mr. Wigfall. Nay: Messrs. Hemphill, Waul, Gregg, Oldham, and Ochiltree.

Virginia—Nay: Messrs. Brockenbrough and Staples.

Yea: Alabama and Louisiana, 2.

Nay: Georgia, Mississippi, South Carolina, Texas, and Virginia, 5. Divided: Florida, 1.

The motion was lost.

Mr. Perkins offered the following resolution:

*Resolved*, That the following shall be added to the rules of the Congress:

No bill shall be enrolled until the time shall have elapsed within which a reconsideration may be moved, or notice thereof given, unless otherwise ordered by the Congress;

which was taken up for consideration.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution vesting certain powers in the Secretary of War, under the direction of the President, in relation to arms and materials for gunpowder; also

A bill to make further provision for the public defense.

The question being on the resolution of Mr. Perkins, pending the same,

On motion of Mr. Cobb,

The Congress adjourned until 12 o'clock to-morrow

## EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

EXECUTIVE DEPARTMENT, *Montgomery, Ala., May 9, 1861.*

HON. HOWELL COBB,  
*President of the Congress.*

SIR: I herewith transmit for the advice and consent of the Congress the following nominations, to wit:

William Pinkney Hill, of Texas, to be judge of the district of Texas, in the place of the Hon. John Hemphill, who has declined the appointment.

Alexander M. Clayton, of Mississippi, to be judge of the district of Mississippi, in the place of the Hon. William L. Harris, who has declined the appointment.

JEFFERSON DAVIS.

The question being,

Will the Congress advise and consent to the nominations above communicated?

On motion of Mr. Harris, they were referred to the Committee on the Judiciary.

The committee immediately reported back the nominations with a recommendation that they be confirmed; and the Congress did unanimously advise and consent to the nominations.

FRIDAY, MAY 10, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

Mr. Morton presented resolutions passed by the convention of the State of Florida; which were ordered to be spread on the Journal, and are as follows:

*Resolved*, That while the people of the State of Florida heartily approve in the main of the Constitution of the Confederate States of America, and have given evidence of that approbation by the unanimous vote of this convention on its ratification, yet there are certain parts thereof which, in the opinion of this convention, should at an early day be amended. With a view, therefore, of giving a proper expression of the sentiments of the people of this State, it is hereby suggested that the said Constitution would be greatly improved by the following amendments, to wit:

That the third clause of the second section of the first article should be altered by striking out, after the word "determined," in the fourth line, to the word "slaves," inclusive, and inserting the words "by the whole number of inhabitants within the States."

That the first clause of the third section of article four should be amended by inserting, after the word "States," in the third line, the words "but no State shall be admitted into this Confederacy unless the institution of slavery shall be distinctly and clearly recognized in its constitution and in actual operation under its laws," and by striking out the word "but" next following in the same line.

That the seventh clause of the eighth section of the first article should be amended by striking out the remainder of the clause, after the word "routes," in the first line.

Done in open convention at the capitol, in the city of Tallahassee, Saturday, the 27th day of April, A. D. 1861.

JOHN C. McGEHEE,  
*President of the Convention.*

Attest:

WM. S. HARRIS, *Secretary.*

Mr. Conrad presented a claim against the Government of the United States; which was referred to the Committee on Claims.



Mr. Ochiltree offered the following resolution; which was agreed to, viz:

*Resolved by the Congress of the Confederate States of America,* That the Committee on Indian Affairs be instructed to inquire into and report upon the propriety of this Government taking cognizance of and making provision for the Indians located upon the "reserves" situate in the State of Texas which were under the control of the late Government of the United States, and that they report upon the same at the earliest date, by bill or otherwise.

Mr. Shorter, from the Committee to Arrange for Government Buildings, reported the following resolution:

*Resolved,* That the Secretary of the Treasury be authorized and directed to employ a sufficient night watch to guard the executive buildings. Also that he be directed to report estimates of appropriations which may be found needful to defray the expenses of the same, and also to pay for gaslights in the executive buildings.

The report was agreed to.

Mr. Barnwell moved that an additional member be added to the Committee on Finance.

On motion of Mr. Stephens, the motion was amended so as to include the Committees on Judiciary and Military Affairs.

The motion prevailed, and whereupon the Chair appointed Mr. Hunter on the Committee on Finance, Mr. Brockenbrough on the Committee on Judiciary, and Mr. Staples on the Committee on Military Affairs.

Mr. Brooke, from the Committee on Patents, reported

A bill to establish a patent office, and to provide for the granting and issuance of patents for new and useful discoveries, inventions, improvements, and designs;

which was ordered to be printed and placed on the Calendar.

Congress went into secret session; and after remaining some time therein, adjourned until 12 o'clock to-morrow.

#### SECRET SESSION.

Congress being in secret session,

Mr. Staples announced the arrival of Mr. Robert M. T. Hunter, one of the Delegates from the State of Virginia, who appeared, was qualified, and took his seat.

Mr. Ward presented a communication from Joseph Sierra, collector at the port of Pensacola, inclosing two communications from Lewis Cruger, Comptroller in the Treasury Department: which were referred, without being read, to the Committee on Finance.

Mr. Barry offered the following resolutions, viz:

*Resolved,* That the Committee on the Judiciary be instructed to inquire into the expediency of forbidding by law, with adequate penalties, the shipping of cotton or any Southern produce or the sending of any money to any of the United States occupied by the troops of or acknowledging their allegiance to said Government, and also to prevent the importation of all goods from the United States into the Confederate States or the payment for such by money or otherwise, except such as are enumerated in an act passed at the last session of this Congress entitled "An act to exempt from duty certain commodities therein named, and for other purposes," approved February eighteen, eighteen hundred and sixty-one, and further to provide that the collection in the courts of the Confederate States of money due for the purchase of any of the articles enumerated in the above-mentioned act shall not be delayed or embarrassed by any plea or defense arising out of the existence of a state of war between the Confederate States and the United States, and to report by bill or otherwise.

*Resolved*, That the said committee be also instructed to inquire into the expediency of requiring those citizens of the Confederate States who are indebted to citizens of the United States to pay the amount of such indebtedness into the Treasury of the Confederacy, and the assumption of the payment of such debts by the Confederate States after the termination of the existing war, and the entire and absolute discharge of the debtor from the payment of such debts;

which were agreed to.

Mr. Barry also presented a memorial from R. O. Davidson in reference to an act designed for "aerial locomotion of man;" which was referred, without being read, to the Committee on Military Affairs.

Mr. Boyce reported

A bill to prevent the payment of debts to Northern creditors; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Hemphill reported

A bill to amend an act for the establishment and organization of the Army of the Confederate States of America, approved March 6, 1861; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Hemphill also reported

A bill to amend an act to modify the navigation laws, and repeal all discriminating duties on ships and vessels; which was read the first and second times and referred to the Committee on Commerce.

Mr. Josselyn, the Private Secretary of the President, presented to Congress the following communication in writing, viz:

*To the Congress of the Confederate States of America:*

It is with sincere pleasure that I inform you that the government of North Carolina has accredited the Hon. Thomas L. Clingman as commissioner to represent that Commonwealth near the Government of the Confederate States.

Mr. Clingman presented to me this day his letters of credence, and I received him in a manner corresponding to his station and the high purpose of his mission.

It afforded me much gratification to receive from Mr. Clingman the assurance, which he was instructed by his government to convey to me, of the determination of his State "to link her fortune with those of the Confederate States and to draw the sword in defense of our common liberties."

This proof of North Carolina's sympathy and this promise of her early union with the Confederate States are the more signal because conveyed by one of such high station and reputation as Mr. Clingman.

JEFFERSON DAVIS.

MONTGOMERY, *May 10, 1861.*

Mr. Keitt offered the following resolution, viz:

*Resolved*, That the Hon. Thomas L. Clingman, a commissioner from the State of North Carolina, have the privileges of the floor in secret as well as public session, and be invited to participate in the discussions and deliberations of Congress.

On motion, the injunction of secrecy was removed from the message and resolution, and subsequently Mr. Thomas L. Clingman appeared and took his seat.

Mr. Hunter presented a resolution adopted by the State convention of Virginia on the 27th of April, 1861, viz:

*Resolved by this convention*, That the President of the Confederate States and the constituted authorities of the Confederacy be, and they are hereby, cordially and respectfully invited, whenever in their opinion the public interest or convenience may require it, to make the city of Richmond or some other place in this State the seat of government of this Confederacy.

Mr. Shorter presented two accounts against the Executive Department of the Confederate States of America in favor of W. B. and A. R. Bell & Co.; which were referred to the Committee on Accounts.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled.

An act relative to telegraph lines in the Confederate States; and

A resolution in regard to military expenditures made by the State of South Carolina.

Mr. Rhett, from the Committee on Foreign Affairs, to whom was referred the President's message and resolutions offered by Mr. Cobb on yesterday relating to the affairs between the Confederate and United States, made a report; which was laid on the table and ordered to be printed.

Mr. Rhett, from the same committee, to whom was referred the message of the President in relation to the subject-matter of the mission of Messrs. Crawford, Forsyth, and Roman to the United States and the "intermediary" mentioned in his first message at this session of Congress, together with the statement of said "intermediary," viz, Mr. John A. Campbell, in reference to said mission, reported the same back to Congress and recommended the printing thereof, and that the injunction of secrecy be removed therefrom.

The report was agreed to.

Congress took up for consideration the bill in relation to the Confederate loan.

On motion of Mr. Toombs, the last clause of the last section was amended; which is as follows, viz:

and the Treasurer of the Confederate States is authorized to draw checks or warrants on said banks on renewal of said deposits, payable either in coin or its equivalent, as the Secretary of the Treasury may direct,

by inserting after the words "or its equivalent" the words "or in current bank notes."

The bill as amended was engrossed, read a third time, and passed.

Mr. Smith reported

A bill to amend an act entitled "An act to provide for the public defense," approved March 6, 1861;

which was read the first and second times.

Mr. Barnwell moved to refer the same to the Committee on Military Affairs.

The motion was lost.

The bill was engrossed, read a third time, and passed.

Mr. Crawford, from the Committee on Commercial Affairs, to whom was referred a bill to define the limits of the port of New Orleans, and for other purposes, reported the same back without amendment and recommended its passage.

The bill was ordered to be placed on the Calendar.

Congress took up for consideration

A bill to make appropriations for buying 200 rifle cannon, 5 small steam propellers, and for providing sufficient crews and munitions for the same.

Mr. Chesnut, from the Committee on Naval Affairs, moved to amend the same by striking out all after the enacting clause and inserting in lieu thereof the following, viz:

A bill authorizing an agent to be sent abroad to purchase vessels [and] arms; and making an appropriation therefor.

*The Congress of the Confederate States do enact, That to enable the Navy Department to send an agent abroad to purchase six steam propellers in addition to those hereto-*

fore authorized, together with rifled cannon, small arms, and other ordnance stores and munitions of war, the sum of one million of dollars is hereby appropriated out of the Treasury of the Confederate States.

The motion prevailed.

The bill as amended was engrossed, read a third time, and passed.

Congress took up for consideration

A bill to authorize the purchase or construction of certain vessels of war.

Mr. Conrad, from the Committee on Naval Affairs, moved to amend the same by striking out all after the enacting clause and substituting in lieu thereof the following, viz:

That the President be, and he is hereby, authorized to cause to be purchased, if possible, otherwise to be constructed, with the least possible delay, in France or England, one or two war steamers of the most modern and improved description, with a powerful armament and fully equipped for service.

SEC. 2. *The Congress do further enact*, That the sum of two millions of dollars be, and the same is hereby, appropriated to carry the foregoing section into effect.

The motion prevailed.

The bill as amended was engrossed, read a third time, and passed.

Mr. Bartow, at the instance of the State of Georgia, moved to reconsider the vote on agreeing to the resolution conferring certain powers on the Secretary of War, under the direction of the President, in relation to arms and materials for making gunpowder.

The motion prevailed, and on motion of Mr. Bartow the resolution was recommitted to the Committee on Military Affairs.

Mr. Sparrow, from the Committee on Military Affairs, to whom was referred the communication of Col. R. A. Hunter, proposing to sell to the Confederate States the Bellville Iron Works, near New Orleans, reported a description of the same, and recommended that the communication and report thereon be referred to the Committee on Naval Affairs.

The report was agreed to.

Mr. Gregg offered the following resolution, viz:

*Resolved*, That the flag which was used at Fort Moultrie on the occasion of the bombardment of Fort Sumter, and which has been sent by the President to the Congress for disposition, be placed in the Congress Hall, to remain during the present session in some conspicuous place; and that the Secretary of War be instructed to take charge of the same for safe-keeping after adjournment;

which was agreed to.

Mr. Campbell, from the Committee on Pay and Mileage, reported a bill to amend an act to fix the pay of the members of Congress of the Confederate States of America, approved 11th March, 1861; which was read the first and second times.

Mr. Hill moved to amend the same by striking out all after the enacting clause and substituting in lieu thereof the following, to wit:

That the pay of members of Congress of the Confederate States of America shall be the same as the pay of members of Congress of the United States.

The motion was lost.

Mr. Bartow offered the following resolution, viz:

*Resolved*, That the efficient protection of the State of Virginia from the invasion with which she is now threatened and the vigorous prosecution of military operations upon which depend the safety of all the States, render necessary the presence of the Commander in Chief and the Government in the State of Virginia.

Mr. Barnwell moved to postpone the consideration of the same until to-morrow; and at the instance of the State of Alabama the yeas and



nays of the entire body were ordered to be recorded, and are as follows, viz:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, and Shorter. Nay: Mr. Jones.

Florida—Nay: Mr. Owens.

Georgia—Yea: Mr. Stephens. Nay: Messrs. Toombs, Howell Cobb, Bartow, Crawford, Nisbet, Hill, Wright, T. R. R. Cobb, and Kenan.

Louisiana—Yea: Messrs. Perkins, De Clouet, and Sparrow. Nay: Messrs. Conrad and Kenner.

Mississippi—Nay: Messrs. Harris, Orr, Barry, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Memminger, and Withers. Nay: Messrs. Keitt, Miles, and Boyce.

Texas—Yea: Messrs. Reagan, Hemphill, Gregg, and Ochiltree. Nay: Messrs. Wigfall, Waul, and Oldham.

Virginia—Nay: Messrs. Hunter, Brockenbrough, and Staples.

The motion was lost.

A message was received from the President, through his Private Secretary, Mr. Josselyn, that he had approved and signed

A resolution in regard to the military expenditures made in the State of South Carolina.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act to provide for the public defense, approved March 6, 1861:

An act to authorize the purchase or construction of certain vessels of war; and

An act authorizing an agent to be sent abroad to purchase vessels and arms; and making an appropriation therefor.

The question being on agreeing to the resolution offered by Mr. Bartow, Mr. Curry moved to amend the same by striking out the words "and the Government."

On motion of Mr. Bartow,

Congress adjourned until 12 o'clock to-morrow.

SATURDAY, MAY 11, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Montgomery.

Mr. McRae presented certain claims in favor of C. M. Godbold, late United States marshal; which were referred to the Committee on Claims.

Mr. Shorter, from the Committee on Accounts, presented an account against the Executive Department; which was referred to the Committee on Finance.

Mr. Conrad presented a certain claim in favor of Nathan Stephens; which was referred to the Committee on Claims.

Mr. Gregg presented resolutions passed by the legislature of the State of Texas relative to the establishment of a court of admiralty jurisdiction for the State of Texas; which were referred to the Committee on Judiciary.

Congress went into secret session; and after remaining some time therein, adjourned until 12 o'clock Monday next.

SECRET SESSION.

Congress having resolved itself in secret session,

The Chair presented a communication from the Secretary of the Treasury inclosing tabular statement showing the rates of duty on merchandise, etc., imported into the Confederate States; which were referred to the Committee on Finance.

The Chair also laid before Congress a report from the Secretary of the Treasury in relation to the finances of the Confederate States; which was also referred to the Committee on Finance.

The unfinished business was postponed for the time, and Mr. Smith offered the following resolution: which was agreed to, viz:

*Resolved*, That the Committee on the Judiciary be instructed to inquire whether any legislation is necessary in respect to seizures made by this Government on the seas, and if so, to report by bill to effectuate the purpose.

Mr. Cobb offered the following resolution:

*Resolved*, That the Committee on Postal Affairs be instructed to inquire into the propriety of allowing all letters from our soldiers not in garrison to be carried in the mail free of postage;

which was adopted.

Mr. Rhett, from the Committee on Permanent Constitution, to which were referred the resolutions offered by Mr. Curry, suggesting amendments to the Constitution, reported adversely to the propositions therein contained, and that the resolutions be laid on the table.

The report was agreed to, and the resolutions were laid on the table.

Mr. Bartow, from the Committee on Military Affairs, to which was referred a memorial from R. O. Davidson relative to "aerial locomotion by man," reported the same back, and also reported that it be laid on the table.

The report was agreed to.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act entitled "An act to fix the pay of members of the Congress of the Confederate States of America," approved March 11, 1861; also

An act in relation to the Confederate loan.

Congress proceeded to the consideration of

A bill to amend an act entitled "An act further to provide for the organization of the Post-Office Department," approved March 9, 1861.

The last section thereof being as follows:

SEC. 4. *And be it further enacted*, That the clerk charged with the disbursement of the contingent and salary funds of the Department be allowed an additional compensation of        dollars per annum; and that this act take effect and be in force from and after its passage.

On motion of Mr. Chilton, the same was amended by filling the blank with the words "two hundred."

The bill as amended was then engrossed, read a third time, and passed.

A message was received from the President that he had approved and signed

An act to amend an act to provide for the public defense, approved March 6, 1861;

An act authorizing an agent to be sent abroad to purchase vessels and arms; and making an appropriation therefor;

An act to authorize the purchase or construction of certain vessels of war; and

An act relative to telegraph lines of the Confederate States.

The Chair laid before Congress the following communication:

MONTGOMERY, May 10, 1861.

HON. HOWELL COBB, *President of Congress*.

DEAR SIR: I beg leave to tender to you and through you to the Congress over which you preside my resignation as a member of that body.

Permit me to say that my connection with this distinguished assembly of patriots will be cherished amongst the most treasured recollections of my life, and to express my warmest wishes for the success of the great work in which you are engaged.

I have the honor to be, yours, very sincerely,

ALEX. M. CLAYTON.

Congress then proceeded to the consideration of

A bill to establish and organize a bureau in connection with the Department of the Treasury, to be known as the Office of the Auditor of the Treasury for the Post-Office Department.

The first clause of the first section being as follows:

That there shall be established in connection with the Department of the Treasury a bureau which shall be known as the Office of the Auditor of the Treasury for the Post-Office Department.

Mr. Crawford moved to amend by striking therefrom the words "the Auditor of" and inserting in lieu thereof the words "chief clerk for."

Pending which motion, on motion of Mr. Crawford, the bill was recommitted to the Committee on Postal Affairs.

A message was received from the President that he had approved and signed

An act to amend an act entitled "An act to fix the pay of members of the Congress of the Confederate States of America," approved March 11, 1861;

An act in relation to the Confederate loan; and

An act to make further provision for the public defense.

From which last-named act, on motion of Mr. Wright, the injunction of secrecy was removed.

Congress proceeded to the consideration of

A bill to amend an act to prescribe the rates of postage in the Confederate States of America, and for other purposes, approved February 23, 1861.

The bill was engrossed, read a third time, and passed.

Congress then took up the unfinished business, viz: the resolution offered by Mr. Bartow in relation to moving the Government to the city of Richmond.

Mr. Rhett moved to postpone indefinitely the further consideration of the same; and thereon Mr. Perkins demanded the question.

The demand was seconded, and the motion was lost.

Mr. Miles, at the instance of the State of South Carolina, called for the yeas and nays of the entire body, and which are as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, and Shorter. Nay: Messrs. Jones and Davis.

Florida—Yea: Mr. Owens.

Georgia—Nay: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, T. R. R. Cobb, Kenan, and Stephens.

Louisiana—Yea: Mr. Sparrow. Nay: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Nay: Messrs. Harris, Orr, Barry, and Harrison.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Withers. Nay: Messrs. Keitt and Miles.

Texas—Yea: Mr. Gregg. Nay: Messrs. Wigfall, Reagan, Hemphill, Waul, Oldham, and Ochiltree.

Virginia—Nay: Messrs. Hunter, Brockenbrough, and Staples.

The question recurring on the motion of Mr. Curry to strike out the words "and the Government," Mr. Ochiltree demanded the question; which was seconded, and the motion was lost.

The yeas and nays were required thereon, at the instance of the State of Texas, and were taken and recorded as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, Shorter, Jones, and Davis.

Florida—Yea: Mr. Owens.

Georgia—Yea: Messrs. Nisbet and Hill. Nay: Messrs. Howell Cobb, Bartow, Wright, T. R. R. Cobb, and Keman.

Louisiana—Yea: Mr. Sparrow. Nay: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Harris, Barry, and Harrison. Nay: Messrs. Orr and Campbell.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Withers. Nay: Messrs. Keitt, Miles, and Boyce.

Texas—Yea: Messrs. Gregg and Ochiltree. Nay: Messrs. Wigfall, Hemphill, Waul, and Oldham.

Virginia—Nay: Messrs. Hunter, Brockenbrough, and Staples.

The motion was lost.

Mr. Conrad moved to amend the resolution by substituting therefor the following:

*Resolved*, That this body will adjourn on the      day of the present month, to meet again on the first day of July next in Richmond, Virginia, or, in case suitable accommodations can not be obtained in Richmond, at such other point as the President may hereafter designate.

Mr. Perkins moved to lay the same on the table.

Mr. Memminger thereon demanded the question.

The demand was sustained, and the motion prevailed.

Mr. Perkins moved to amend the resolution by substituting therefor the following:

*Resolved*, That Congress will adjourn on the twenty-third day of the present month, to meet again at Richmond on the twentieth day of July next, unless the public service, in the judgment of the President, may require an earlier meeting, and in that event to meet again at such time and place as he may designate.

Mr. Withers moved to lay the original resolution and the substitute on the table.

Mr. Harris demanded the question; which was seconded, and the motion was lost.

The question recurred on the substitute offered by Mr. Perkins.

Mr. Keitt demanded the question; which was seconded, and on a vote by States, as follows, the motion prevailed:

Yea: Alabama, Florida, Louisiana, Mississippi, and South Carolina, 5.

Nay: Georgia, Texas, and Virginia, 3.

Mr. Rhett demanded the question on the motion of agreeing to the resolution as amended.



The demand was not seconded.

After further discussion, Mr. Harris demanded the question: which was seconded, and the motion was agreed to.

Mr. Shorter, at the instance of the State of Alabama, called for the yeas and nays of the entire body; which were taken and recorded as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, Shorter, Jones, and Davis.

Florida—Yea: Mr. Owens.

Georgia—Yea: Messrs. Howell Cobb, Bartow, Wright, T. R. R. Cobb, and Kenan. Nay: Messrs. Crawford, Nisbet, and Hill.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, and Kenner. Nay: Mr. Sparrow.

Mississippi—Yea: Messrs. Harris, Orr, and Barry. Nay: Messrs. Harrison and Campbell.

South Carolina—Yea: Messrs. Keitt, Miles, and Boyce. Nay: Messrs. Rhett, Barnwell, Memminger, and Withers.

Texas—Yea: Messrs. Wigfall, Hemphill, Waul, and Oldham. Nay: Messrs. Gregg and Ochiltree.

Virginia—Yea: Messrs. Hunter, Brockenbrough, and Staples.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act entitled "An act further to provide for the organization of the Post-Office Department," approved March 9, 1861.

On motion of Mr. Wigfall, the resolution just adopted relative to the adjournment of Congress and its reassembling at Richmond, etc., was referred to the Committee on Judiciary, with instructions to said committee to report a bill to carry into effect the intention of Congress therein expressed.

On motion of Mr. Waul,

Congress adjourned until 12 o'clock Monday next.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

MONTGOMERY, *May 11, 1861.*

I nominate Ben McCulloch, of Texas, as brigadier-general of volunteer forces in the service of the Confederate States of America.

JEFFERSON DAVIS.

To the CONGRESS.

The question being,

Will the Congress advise and consent to the nomination above communicated?

It was unanimously decided in the affirmative.

MONDAY, MAY 13, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Hill.

On motion of Mr. Rhett, the Chair was authorized to appoint an additional member on the Committee on Foreign Affairs; whereupon the Chair appointed Mr. Rives of Virginia.

On motion of Mr. Hale, the Chair filled the vacancy on the Judiciary Committee occasioned by the resignation of Mr. Clayton with the name of Mr. Smith of Alabama.

There being no business on the Public Calendar, Congress went into secret session; and after remaining some time therein, adjourned until 11 o'clock to-morrow.

SECRET SESSION.

Congress having resolved itself in secret session,

Mr. Stephens announced the presence of Mr. William C. Rives, one of the Delegates from the State of Virginia.

Mr. Rives was duly qualified and took his seat.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act to prescribe the rates of postage in the Confederate States of America, and for other purposes, approved February 23, 1861.

Mr. Cobb offered the following resolution; which was agreed to, viz:

*Resolved*, That after this day the hour for the daily assembling of Congress shall be eleven o'clock a. m.

Mr. Rhett offered the following resolution:

*Resolved*, That the duties on importations to be laid by the Confederate States and foreign nations reciprocally is a proper matter for negotiation and treaty stipulations, and that the commissioners of the Confederate States now in Europe be, and they are hereby, authorized to propose a maximum of duties not higher than twenty per cent ad valorem on all articles of manufacture or production imported from any nation which shall make a treaty with the Confederate States satisfactory in other respects.

The resolution was referred to the Committee on Foreign Affairs.

On motion of Mr. Barnwell, secrecy was removed from the report of the Committee on Foreign Affairs on the President's message relating to the affairs between the Confederate and the United States.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill to increase the military establishment of the Confederate States and to amend the act for the establishment and organization of the Army of the Confederate States of America; which was read a first and second time, ordered to be printed, and made the special order for to-morrow.

Mr. Bartow, from the same committee, made the following report:

The Committee on Military Affairs, to which was referred a bill to amend an act for the establishment and organization of the Army of the Confederate States of America, have considered the same and ask leave to report that they have embodied in a general bill reported by the committee those sections of this bill which they approve, and that in their opinion it is inexpedient to pass this bill.

The report was agreed to. •

Mr. Bartow, from the same committee, to which was referred the resolution suggesting the expediency of organizing military districts, etc., reported adversely to the same and suggested that the matter be left to the discretion of the Executive.

The report was agreed to.

Mr. Gregg, from the same committee, to which was referred certain papers submitted by the Secretary of War, reported the same back; and it was ordered that the papers lie on the table.

Mr. Chilton, from the Committee on Postal Affairs, to which was recommitted the bill to establish and organize a bureau in connection

with the Department of the Treasury to be known as the Office of the Auditor of the Treasury for the Post-Office Department, reported a substitute, viz:

A bill to provide for auditing the accounts of the Post-Office Department.

On motion of Mr. Chilton, the word "fourteen" in the words "and shall appoint fourteen additional clerks, with salaries of twelve hundred dollars each," was stricken out and the word "fifteen" inserted.

The substitute was then adopted in lieu of the original bill, and was engrossed, read a third time, and passed.

Mr. McRae presented a claim against the Government in favor of John B. Todd; which was referred to the Committee on Claims.

Mr. Memminger offered a resolution in relation to marine hospitals; which was read a first and second time and referred to the Committee on Finance.

Congress proceeded to the consideration of

A bill to suspend the operations of the mints.

The bill was considered by sections,

The third section thereof being as follows:

That the Secretary of the Treasury shall take proper measures for the sale of the property of the Government at Dahlonega at such time as he shall deem expedient, and that in the meantime the same shall be placed by him in charge of some fit person.

Mr. Stephens moved to amend by striking out the same and inserting in lieu thereof the following:

SEC. 3. That the Secretary of [the] Treasury, until otherwise directed by law, be authorized to take the same course in relation to the mint and public property connected with it at Dahlonega.

The motion prevailed.

The bill as amended was engrossed, read a third time, and passed.

Mr. Cobb offered the following resolutions:

*Resolved*, That so much of the series of resolutions providing for a digest of the laws adopted the twelfth of March, eighteen hundred and sixty-one, as requires the committee therein provided for to consist of three members be, and the same is hereby, so amended as to consist of two members instead of three.

(2) *Resolved*, That said commissioners shall be paid quarterly at the rate of dollars per year each out of the contingent fund appropriated for the expenses of Congress, to be paid upon their several draft, to be certified by the President of this Congress;

which were read the first and second times.

Mr. Curry moved to refer the resolutions to the Committee on Finance.

The motion was lost.

On motion of Mr. Cobb, the same was amended by filling the blank with "three thousand."

The resolutions as amended were engrossed, read a third time, and passed.

Congress proceeded to the consideration of

A bill regulating the sale of prizes and the distribution thereof.

The bill was engrossed, read a third time, and passed.

The next regular order being

A bill to define the jurisdiction of the Federal courts in certain cases.

On motion of Mr. Walker, the same was recommitted to the Committee on Judiciary.

The next regular order on the Calendar being

A bill to establish a court of admiralty and maritime jurisdiction in the State of Mississippi, etc..

It was ordered that the consideration of the same be postponed for the present.

The next bill on the Calendar being

A bill to prohibit the introduction of slaves from any State not a member of this Confederacy,

Mr. Boyce moved to amend the same by substituting therefor

A bill to prohibit the importation of slaves from the United States.

On motion of Mr. Hale, the bill, together with the amendment, was recommitted to the Committee on Judiciary.

Congress proceeded to the consideration of the next regular order, viz:

A bill relative to invalid pensions.

Mr. Curry moved to amend the bill by adding the following as an additional section, viz:

That in all applications for the payment of invalid pensions under this act the affidavit of two physicians whose credibility as such shall be certified by the magistrate judge before whom the affidavit is made, stating the continuance of the disability (describing it) for which the pension was originally granted and the rate of such disability at the time of making the affidavit, shall accompany the application for the first payment; and if in a case of continued disability it shall be stated at a rate below that for which the pension was originally granted, the affidavit [applicant] shall only be paid at the rate stated in the affidavit;

which was agreed to.

The second section being

SEC. 2. That every commissioned or noncommissioned officer, musician, soldier, marine, or seaman in the regular, volunteer, provisional, or militia service who shall be disabled by wounds or otherwise, while in the line of his duty in the public service, shall be placed on the list of invalids of the Confederate States, at such rate of pay and under such regulations as may be prescribed by law: *Provided*, That the compensation to be allowed for such wounds or disabilities to a commissioned officer shall not exceed, for the highest rate of disability, half the monthly pay of such officer at the time of his being disabled or wounded; that no officer shall receive more than the half pay of lieutenant-colonel; and that the rate of compensation to privates shall not exceed the rate of        dollars per month: *And provided*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportioned to the highest disability.

Mr. Hemphill moved to amend the same by striking therefrom all from and after and inclusive of the words "at such rate of pay," etc., and inserting in lieu thereof the following:<sup>a</sup>

The motion prevailed.

Mr. Hale, at the instance of the State of Alabama, moved to reconsider the vote just taken by which the amendment of Mr. Hemphill was adopted.

Mr. Memminger moved to postpone the further consideration of the bill indefinitely.

And thereon Mr. Harris demanded the question; which was seconded, and the motion prevailed.

Mr. Hemphill, at the instance of the State of Texas, called for the yeas and nays of the entire body thereon; which were taken, and are as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, and Shorter. Nay: Messrs. Chilton, Hale, Jones, and Davis.

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<sup>a</sup> The amendment proposed by Mr. Hemphill is not recorded in the Journal, nor has it been found with the papers of the Congress in the custody of the War Department.



Georgia—Yea: Messrs. Nisbet, Hill, T. R. Cobb, and Kenan. Nay: Messrs. Howell Cobb and Bartow.

Mississippi—Yea: Messrs. Harris, Orr, Barry, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Memminger, Withers, and Boyce. Nay: Mr. Miles.

Texas—Yea: Messrs. Wigfall, Reagan, and Gregg. Nay: Messrs. Hemphill, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Hunter, Rives, Brockenbrough, and Staples.

Mr. Harris offered the following resolution:

A resolution rescinding the resolution providing for a digest of laws, approved March twelve, eighteen hundred and sixty-one.

*Resolved*, That the resolution, approved March twelve, eighteen hundred and sixty-one, providing for a digest of laws, be, and the same is hereby, rescinded;

which was referred to the Committee on Judiciary.

The next regular order being

A bill to provide for the manufacture of powder for the Confederate States of America.

On motion of Mr. Bartow, the same was laid on the table.

It was ordered that the next bill on the Calendar, viz:

A bill in relation to citizenship and to prescribe uniform rules of naturalization.

be postponed for the balance of the session.

Congress then took up and considered

A bill to authorize the transfer of appropriations.

On motion of Mr. Hemphill, the same was amended by adding the following section:

SEC. 2. This bill shall continue and be of force until the end of the existing war and no longer.

The bill as amended was engrossed, read a third time, and passed.

Congress then considered

A bill to define the limits of the port of New Orleans, and for other purposes.

The same was engrossed, read a third time, and passed.

Mr. Cobb, from the Committee on Printing, reported

A bill regulating the purchase of stationery, blank books, paper, and of the printing of blanks, circulars, etc., used by the various custom-houses of the Confederate States of America;

which was ordered to be placed on the Calendar.

Mr. Cobb, from the same committee, also reported

A bill to organize further the Bureau of Superintendent of Public Printing;

which was read a first and second time, engrossed, read a third time, and passed.

Mr. Shorter offered the following resolution; which was agreed to, viz:

*Resolved*, That the Secretary of the Congress be authorized to appoint an engrossing and enrolling clerk for the balance of the present session, at six dollars per day.

On motion of Mr. Hale,

Congress adjourned until 11 o'clock to-morrow.

TUESDAY, MAY 14, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Cobbs.

Mr. Cobb offered the following resolution, viz:

A resolution in reference to a day of fasting and prayer.

The dependence of nations, as of individuals, upon an overruling Providence, at all times, we fully recognize. But when perils surround and national existence is threatened, it peculiarly becomes a people to manifest their submission to the will and guidance of the Omnipotent Ruler of the universe. If the cause be righteous, and the quarrel just, we may confidently rely on Him who reigneth alike over the armies of earth and the hosts of Heaven, at the same time we recognize our duty to appeal humbly to Him who hath said, "I will be inquired of by my people." To the end, therefore, that the whole people of these Confederate States may in unison and with one accord approach the throne of the Most High to invoke His blessing upon us in our defensive struggle for the right of self-government and the enjoyment of the liberty He vouchsafed to our fathers, and to protect us from those who threaten our homes with fire and sword, our domestic circles with ruthless lust, our fathers' graves with the invaders' feet, and our altars with infidel desecration:

*Resolved by the Congress of the Confederate States,* That the President be requested to issue his proclamation appointing a day of fasting and prayer, in the observance of which all shall be invited to join who recognize our dependence upon God, and the happiness and security of that people whose God is the Lord;

which was unanimously agreed to.

Mr. Oldham offered the following resolution; which was agreed to, viz:

*Resolved,* That the Committee on Commercial Affairs be directed to inquire into the expediency of making the city of Houston, in the State of Texas, a port of entry and delivery, and that they report by bill or otherwise.

Mr. Clingman laid before Congress the following resolutions, adopted by the legislature of North Carolina, viz:

Resolutions authorizing the governor to use all the powers of the State, civil and military, consistent with the constitution, to protect the persons and property of our citizens, and to maintain and defend the honor of North Carolina.

Whereas the Constitution of the United States has been entirely subverted, and its Government has been converted into a military despotism by the usurpations of the Administration of Abraham Lincoln; and

Whereas the said Abraham Lincoln has promulgated a proclamation declaring the ports of North Carolina in a state of blockade, and directing our ships engaged in lawful commerce to be seized; and

Whereas such measures are, by the laws of civilized nations, only to be resorted to against a foreign State, and one against which war has been declared; and

Whereas North Carolina has no alternative, consistent with her safety and honor, but to accept the position thus assigned to her as that of an independent and foreign State: Therefore, be it

*Resolved,* That the governor is hereby authorized to use all the powers of the State, civil and military, consistent with the constitution, to protect the persons and property of our citizens, and to maintain and defend the honor of North Carolina.

A true copy from the minutes of the house of commons of North Carolina.

EDWARD CANTWELL,

*Clerk House of Commons.*

Congress went into secret session; and after remaining some time therein, adjourned until 11 o'clock to-morrow.

## SECRET SESSION.

Congress having resolved itself in secret session,

On motion of Mr. Cobb, Mr. Clayton, late a member of the Congress, was invited to a seat in the Hall during the secret session of Congress.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the transfer of appropriations;

An act to define the limits of the port of New Orleans;

An act to organize further the Bureau of Superintendent of Public Printing; and

An act to suspend the operations of the mints.

Mr. Barnwell presented a memorial relative to duties on certain articles: which was referred to the Committee on Finance.

Mr. Ochiltree introduced

A bill further to provide for the payment of mileage to members of the Congress of the Confederate States of America; which was read a first and second time.

Mr. Barnwell moved to postpone for the time the consideration of the bill and to place the same on the Calendar.

Mr. Rhett thereon demanded the question; which was seconded, and the motion was lost. The States voted thereon:

Yea: Virginia.

Nay: Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas.

The question recurred on ordering the bill to be engrossed for a third reading.

The bill was engrossed, read a third time, and on the passage of the same,

Mr. Hale, at the instance of the State of Alabama, called for the yeas and nays of the body; which were taken, and are as follows:

Alabama—Yea: Messrs. Smith, Jones, and Davis. Nay: Messrs. Walker, Curry, and Hale.

Florida—Yea: Mr. Owens. Nay: Mr. Ward.

Georgia—Yea: Mr. Hill. Nay: Messrs. Howell Cobb, Bartow, Nisbet, Wright, T. R. R. Cobb, Kenan, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Orr, Barry, and Harrison.

South Carolina—Yea: Messrs. Rhett and Miles. Nay: Messrs. Barnwell, Keitt, Withers, and Boyce.

Texas—Yea: Messrs. Hemphill, Oldham, and Ochiltree.

Virginia—Yea: Mr. Brockenbrough. Nay: Messrs. Hunter, Rives, and Staples.

The bill was lost.

Mr. Walker introduced

A bill in relation to mileage; which was read the first and second times, engrossed, and read a third time.

On the question,

Whether the bill shall pass?

Mr. Ochiltree, for the State of Texas, called for the yeas and nays of the body, and the bill was lost.

The yeas and nays are as follows:

Alabama—Yea: Messrs. Walker and Curry. Nay: Messrs. Hale, Shorter, Jones, and Davis.

Florida—Nay: Messrs. Ward and Owens.

Georgia—Nay: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, T. R. R. Cobb, Kenan, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, Kenner, and Marshall. Nay: Mr. Sparrow.

Mississippi—Yea: Mr. Barry. Nay: Messrs. Harris, Orr, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Miles, and Boyce. Nay: Mr. Withers.

Texas—Nay: Messrs. Hemphill and Ochiltree.

Virginia—Nay: Messrs. Hunter, Rives, Brockenbrough, and Staples.

Mr. Shorter reported as correctly engrossed and enrolled

An act regulating the sale of prizes and the distribution thereof.

Mr. Keitt offered

A resolution to admit certain States by the proclamation of the President;

which was read a first and second time and, on motion of Mr. Miles, referred to the Committee on Judiciary.

A message was received from the President that he had approved and signed

An act to amend an act entitled "An act further to provide for the organization of the Post-Office Department," approved March 9, 1861; also

An act to amend an act to prescribe the rates of postage in the Confederate States of America, and for other purposes, approved February 23, 1861.

Mr. Toombs, from the Committee on Finance, reported

A bill to authorize a loan and the issue of Treasury notes, and to prescribe the punishment for forging the same, or for forging certificates of stock and bonds.

Mr. Withers moved to place the same on the Calendar, that it be printed, and that it be, for the time, postponed.

The motion was lost.

The bill was engrossed for a third reading.

On motion of Mr. Withers, for the State of South Carolina, the vote just taken by which the bill was ordered to be engrossed was reconsidered.

Mr. Withers moved to amend the bill by additional section.

Mr. Memminger moved to recommit the bill to the Committee on Finance, with instructions to insert proper provisions for laying a direct tax not exceeding \$15,000,000.

Mr. Keitt thereon demanded the question; which was seconded, and the motion was lost.

Mr. Walker, at the instance of the State of Alabama, called for the yeas and nays thereon; which are as follows:

Alabama—Yea: Messrs. Walker, Curry, and Hale. Nay: Messrs. Smith, Shorter, Jones, and Davis.



Florida—Nay: Messrs. Ward and Owens.

Georgia—Yea: Messrs. Toombs, Wright, and Kenan. Nay: Messrs. Howell Cobb, Bartow, Nisbet, and T. R. R. Cobb.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Orr, Barry, and Campbell. Nay: Messrs. Harris and Harrison.

South Carolina—Yea: Messrs. Memminger and Boyce. Nay: Messrs. Rhett, Barnwell, Keitt, Miles, and Withers.

Texas—Yea: Messrs. Hemphill, Gregg, and Oldham. Nay: Mr. Reagan.

Virginia—Nay: Messrs. Hunter, Rives, Brockenbrough, and Staples.

On motion of Mr. Oldham, the bill was postponed for the time and made the special order for to-morrow. It was further ordered that the bill and amendment be printed.

The Chair laid before Congress estimates made by the Secretary of War for the fiscal year ending February 18, 1861 [1862]; which were referred to the Committee on Military Affairs.

Mr. Withers moved to adjourn.

The motion was lost.

Mr. Hale made the following report:

The Judiciary Committee, to whom was referred

A bill to prohibit the introduction of slaves from any State not a member of this Confederacy; also

A bill to prohibit the importation of slaves from the United States, have had the same under consideration, and instruct me to report them back to the House with the recommendation that they lie upon the table.

S. F. HALE, *Chairman*.

The report was agreed to.

Mr. Hale, from the same committee, reported

A bill to transfer the testimony taken by commission in certain suits therein named brought in the circuit and district courts of the United States of America to the State courts of the Confederate States and to authorize the same to be used in said State courts; which was read a first and second time and placed on the Calendar.

Mr. Harris, from the Committee on Judiciary, made the following report:

The Committee on the Judiciary, to whom was referred the resolution rescinding the resolution of the 12th of March, 1861, providing for a digest of laws, report the same back to the Congress with a recommendation that it be adopted with the following additional resolutions as an amendment thereto:

(2) *Resolved*, That W. P. Chilton and John A. Hemphill, committee of this Congress, appointed under the resolution rescinded, be allowed eight dollars per day for their attendance as said committee during the recess of Congress to be ascertained and paid as the per diem of members of Congress in session.

(3) *Resolved*, That the committee aforesaid be, and they are hereby, required to deposit in the office of the Attorney-General the digest so far as it has progressed with the materials collected by them, with a statement or report explanatory thereof.

The resolutions were ordered to be placed on the Calendar.

Congress proceeded to the consideration of the special order, it being

A bill to increase the military establishment of the Confederate States and to amend the act for the establishment and organization of the Army of the Confederate States of America.

The second section thereof being as follows:

SEC. 2. That the five general officers provided by existing laws for the Confederate States shall have the rank and denomination of "general" instead of "brigadier-

general," which shall be the highest military grade known to the Confederate States. They shall be assigned to such commands and duties as the President may specially direct, and shall be entitled to the same pay and allowances as are provided for brigadier-generals, and to two aids-de-camp, to be selected as now provided by law. Appointments to the rank of general, after the Army is organized, shall be made by selections from the Army.

Mr. Conrad moved to amend by striking out the same and substituting therefor the following:

SEC. 2. That whenever, during the war, a general officer of the Confederate States and one or more general officers of a State shall be stationed at the same point or shall cooperate together, the general officer of the Confederate States shall be entitled to the command, unless the President shall otherwise direct.

Mr. Cobb demanded the question: which was seconded, and the motion was lost.

Mr. Wright, at the instance of the State of Georgia, called for the yeas and nays of the entire body thereon: which were taken, and are as follows:

Alabama—Yea: Messrs. Curry, Hale, and Jones. Nay: Messrs. McRae and Shorter.

Florida—Yea: Mr. Owens. Nay: Mr. Ward.

Georgia—Yea: Messrs. Howell Cobb, Wright, and T. R. R. Cobb. Nay: Messrs. Bartow, Nisbet, Hill, and Kenan.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Marshall. Nay: Messrs. Perkins and Sparrow.

Mississippi—Nay: Messrs. Harris, Orr, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett and Keitt. Nay: Messrs. Barnwell, Memminger, Miles, Withers, and Boyce.

Texas—Yea: Messrs. Hemphill and Ochiltree. Nay: Messrs. Reagan and Gregg.

Virginia—Yea: Mr. Rives. Nay: Messrs. Hunter, Brockenbrough, and Staples.

Mr. Cobb moved to amend the section by inserting immediately preceding the word "general," where it occurs, in the words "shall have the rank and denomination of general," the word "major."

The motion was lost, and Mr. Cobb, at the instance of the State of Georgia, required the yeas and nays: which are as follows:

Alabama—Yea: Messrs. Curry, Hale, and Jones. Nay: Messrs. Walker, McRae, and Shorter.

Florida—Yea: Mr. Owens. Nay: Mr. Ward.

Georgia—Yea: Messrs. Howell Cobb, Nisbet, Wright, and T. R. R. Cobb. Nay: Messrs. Bartow, Hill, and Kenan.

Louisiana: Yea: Messrs. De Clouet, Conrad, and Marshall. Nay: Messrs. Perkins, Kenner, and Sparrow.

Mississippi—Nay: Messrs. Harris, Orr, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett, Keitt, and Withers. Nay: Messrs. Barnwell, Memminger, Miles, and Boyce.

Texas—Yea: Mr. Hemphill. Nay: Messrs. Reagan, Gregg, and Ochiltree.

Virginia—Yea: Mr. Rives. Nay: Messrs. Hunter, Brockenbrough, and Staples.

Mr. Wright moved to strike out the section.

The motion was lost.

The eighth section being as follows:

SEC. 8. That until a military school shall be established for the elementary instruction of officers for the Army, the President shall be authorized to appoint cadets from the several States, in number proportioned to their representation in the House of

Representatives, and ten in addition, to be selected by him at large from the Confederate States, who shall be attached to companies in service in any branch of the Army, as supernumerary officers, with the rank of cadet, and be competent for promotion at such time and under such regulations as may be prescribed by the President or hereafter established by law.

On motion of Mr. Bartow, the same was amended by inserting after the words "supernumerary officers, with the rank of cadet," the words "who shall receive the monthly pay of forty dollars."

The bill as amended was engrossed, read a third time, and passed.

A message was received from the President that he had approved and signed

An act to suspend the operations of the mints;

An act to organize further the Bureau of Superintendent of Public Printing;

An act to authorize the transfer of appropriations;

An act to define the limits of the port of New Orleans, and for other purposes; and

An act regulating the sale of prizes and the distribution thereof.

On motion of Mr. Withers,

Congress adjourned until 11 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

MONTGOMERY, May 14, 1861.

*To the Congress of the Confederate States:*

I nominate for appointment in the Army of the Confederate States: Robert E. Lee, to be brigadier-general; Joseph E. Johnston, to be brigadier-general.

JEFFERSON DAVIS.

The following communication was also received from the President:

MONTGOMERY, May 14, 1861.

*To the Congress of the Confederate States:*

I nominate Eugene E. McLean, late of United States Army, to be assistant quartermaster, with the rank of major, in the Army of the Confederate States.

JEFFERSON DAVIS.

The question being,

Will Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communication was received from the President:

*To the Congress of the Confederate States of America:*

I lay before Congress, for their consideration and action in relation thereto, copies of a convention between the Confederate States and the State of Tennessee, which was concluded and signed by the commissioners of both parties at the city of Nashville, on the 7th day of May, A. D. 1861, and of the ratification and confirmation of the same by the general assembly of the State of Tennessee.

JEFFERSON DAVIS.

MONTGOMERY, May 13, 1861.

Convention between the State of Tennessee and the Confederate States of America.

The State of Tennessee, looking to a speedy admission into the Confederacy established by the Confederate States of America, in accordance with the Constitution for the Provisional Government of said States, enters into the following temporary convention, agreement, and military league with the Confederate States, for the purpose

of meeting pressing exigencies affecting the common rights, interests, and safety of said State and said Confederacy:

First. Until the said State shall become a member of said Confederacy, according to the constitutions of both powers, the whole military force and military operations, offensive and defensive, of said State in the impending conflict with the United States shall be under the chief control and direction of the President of the Confederate States, upon the same basis, principles, and footing as if said State were now and during the interval a member of said Confederacy; said force, together with that of the Confederate States, to be employed for the common defense.

Second. The State of Tennessee will, upon becoming a member of said Confederacy, under the permanent Constitution of said Confederate States, if the same shall occur, turn over to said Confederate States all the public property, naval stores, and munitions of war of which she may then be in possession, acquired from the United States, on the same terms and in the same manner as the other States of said Confederacy have done in like cases.

Third. Whatever expenditure of money, if any, the said State of Tennessee shall make before she becomes a member of said Confederacy shall be met and provided for by the said Confederate States.

This convention entered into and agreed on in the city of Nashville, Tenn., on the 7th day of May, A. D. 1861, by Henry W. Hilliard, the duly authorized commissioner to act in the matter for the Confederate States, and Gustavus A. Henry, Archibald W. O. Totten, and Washington Barrow, commissioners duly authorized to act in like manner for the State of Tennessee, the whole subject to the approval and ratification of the proper authorities of both governments, respectively.

In testimony whereof the parties aforesaid have hereunto set their hands and seals the day and year aforesaid in duplicate originals.

(Signed) HENRY W. HILLIARD, [SEAL.]  
*Commissioner for the Confederate States of America.*  
 GUSTAVUS A. HENRY, [SEAL.]  
 A. W. O. TOTTEN, [SEAL.]  
 WASHINGTON BARROW, [SEAL.]  
*Commissioners on the part of Tennessee.*

Joint resolution ratifying and confirming a military league with the Confederate States.

Whereas a military league, offensive and defensive, was formed on this the 7th day of May, 1861, by and between A. W. O. Totten, Gustavus A. Henry, and Washington Barrow, commissioners on the part of the State of Tennessee, and H. W. Hilliard, commissioner on the part of the Confederate States of America, subject to the confirmation of the two governments: Be it therefore

*Resolved by the general assembly of the State of Tennessee*, That said league be in all respects ratified and confirmed, and the said general assembly hereby pledges the faith and honor of the State of Tennessee to a faithful observance of the terms and conditions of said league.

(Signed) W. C. WHITTHORNE,  
*Speaker of the House of Representatives.*  
 B. L. STOVALL,  
*Speaker of the Senate.*

Adopted May 7, 1861.

STATE OF TENNESSEE:

I, J. E. R. Ray, secretary of state, hereby certify that the foregoing is a true copy of the original resolution on file in my office.

In testimony whereof I have hereunto set my hand and with the warrant of the governor affixed the great seal of the State at the department in Nashville on this 8th day of May, A. D. 1861.

(Signed) J. E. R. RAY, *Secretary.*

On motion, the communication was referred to the Committee on Foreign Affairs.

WEDNESDAY, MAY 15, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Simmons.

Mr. Smith offered the following resolution; which was agreed to:

*Resolved*, That the Committee on the Judiciary be instructed to report a bill establishing and organizing courts of the Confederate States for the State of Virginia.



Mr. Keitt, from the Committee on Indian Affairs, reported  
A bill for the protection of certain Indian tribes;  
which was read the first and second times;

When,

On motion of Mr. Keitt, Congress went into secret session; and after remaining some time therein, adjourned until 11 o'clock to-morrow.

#### SECRET SESSION.

Congress having resolved itself in secret session,

Mr. Rhett, from the Committee on Foreign Affairs, to which was referred a resolution relative to treaty stipulations with foreign nations, concerning duties on imports, reported the following resolutions and recommended their adoption:

*Resolved*, That the duties on importations to be levied by the Confederate States and foreign nations reciprocally is a proper matter for negotiation and treaty stipulation. And that it is the sense of Congress that such negotiation and stipulations should be based upon a maximum of duties not higher than twenty per cent ad valorem on all articles of manufacture or production imported from any nation which shall make a treaty with the Confederate States satisfactory in other respects.

*Resolved*, That the above resolution be communicated to the President with a request that he will act upon the subject-matter therein expressed according to his views of the demands of the public services;

which were placed on the Calendar.

Mr. Brockenbrough, from the Committee on Judiciary, to which were referred joint resolutions adopted by the legislature of Texas relative to the establishment of a court of admiralty and maritime jurisdiction for the State of Texas, reported adversely to the same with a recommendation that they lie on the table.

The report was agreed to.

Mr. Cobb made the following report:

The Committee on Judiciary, to which was referred a resolution providing for the adjournment of Congress on the 23d day of May instant to meet again on the 20th day of July, at Richmond, have had the same under consideration and instruct me to report that, in the opinion of your committee, no further action is necessary by this body to effect the purpose indicated by said resolution, to wit: The reassembling of Congress at some point other than the temporary capital without removing the seat of government. Your committee therefore ask to be discharged from the further consideration of the subject.

The report was agreed to.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill to change the existing law relative to the clerical force in the War Department;  
which was read a first and second time.

On motion of Mr. Hill, the bill was postponed for the time and placed on the Calendar; and, on motion of Mr. Bartow, made the special order for to-morrow.

Congress took up for consideration the bill which was reported and read twice in open session, viz:

A bill for the protection of certain Indian tribes.

On motion of Mr. Barnwell, the same was postponed until to-morrow, placed on the Calendar, and ordered to be printed.

Mr. Toombs, from the Committee on Finance, to which was referred a resolution in relation to marine hospitals, reported the same back without amendment and recommended its passage.

The resolution was engrossed, read a third time, and passed.

Mr. Toombs, from the same committee, to which was referred

A bill to provide a compensation for the disbursing officers of the several Executive Departments, reported the same back without amendment with a recommendation that it do pass.

The bill was engrossed, read a third time, and passed.

Mr. Harris introduced

A bill to amend an act to provide for the appointment of chaplains to the Army, approved May 3, 1861: which was read the first and second times.

Mr. Barnwell moved to refer the bill to the Committee on Military Affairs.

The motion was lost.

The bill being as follows:

*The Congress of the Confederate States do enact*, That so much of the second section of the above-recited act as fixes the pay of chaplains in the Army at eighty-five dollars be repealed, and that the pay of said chaplains be forty dollars per month.

Mr. Hill moved to amend the same by adding thereto the following:

*Provided*, This act shall not be so construed as to apply to appointments already made by the Secretary of War.

The motion was lost.

Mr. Stephens moved to amend the same by striking out the words "be forty dollars per month" and adding to the section the following: shall be three hundred dollars per annum, payable monthly at that rate, besides which they shall be allowed the usual soldiers' rations.

Mr. Stephens called the question: which was seconded, and the motion to amend was lost.

And Mr. Jones, at the instance of the State of Alabama, required the yeas and nays of the Congress; which were taken, and are as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Shorter, and Jones.  
Nay: Mr. Chilton.

Florida—Yea: Mr. Ward. Nay: Mr. Owens.

Georgia—Yea: Messrs. Toombs, Wright, Kenan, and Stephens.  
Nay: Messrs. Howell Cobb, Bartow, Nisbet, Hill, and T. R. R. Cobb.

Louisiana—Yea: Messrs. Kenner and Marshall. Nay: Mr. Perkins.

Mississippi—Yea: Mr. Harris. Nay: Messrs. Brooke, Orr, Barry, Harrison, and Campbell.

South Carolina—Yea: Messrs. Keitt, Withers, and Boyce. Nay: Messrs. Rhett, Barnwell, Memminger, and Miles.

Texas—Yea: Messrs. Reagan and Oldham. Nay: Messrs. Hemphill, Gregg, and Ochiltree.

Virginia—Nay: Messrs. Hunter, Rives, Brockenbrough, and Staples.

On motion of Mr. Hemphill, the bill was amended by striking therefrom the word "forty" and inserting in lieu thereof the word "fifty."

The bill as amended was engrossed, read a third time, and passed.

Mr. Kenner offered the following resolution; which was agreed to, viz:

*Resolved*, That the Committee on Military Affairs be directed to inquire whether it be not advisable that Government aid with reference to the defense of Louisiana and Texas and to military purposes generally in some form be extended to the railroad companies that have commenced and partially executed a line of railroad con-

necting New Orleans and Texas, so as to enable said companies to complete said line at as early a period as possible.

Congress then proceeded to the consideration of the special order, viz:

A bill to authorize a loan and the issue of Treasury notes, and to prescribe the punishment for forging the same, and for forging certificates of stock and bonds.

The first section thereof being as follows:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury may, with the assent of the President of the Confederate States, issue fifty millions of dollars in bonds, payable at the expiration of twenty years from their date, and bearing a rate of interest not exceeding six per cent per annum until they become payable, the said interest to be paid semiannually. The said bonds, after public advertisement in three newspapers within the Confederate States for six weeks, to be sold for specie, military stores, or for the proceeds of sales of raw produce or manufactured articles in such manner and under such regulations as may be prescribed by the Secretary of the Treasury, with the assent of the President. But it shall be the duty of the Secretary of the Treasury to report at its next ensuing session to the Congress of the Confederate States a precise statement of his transactions under this law. Nor shall the said bonds be issued in fractional parts of the hundred, or be exchanged by the said Secretary for Treasury notes, or the notes of any bank, corporation, or individual, but only in the manner herein prescribed: *Provided*, That nothing herein contained shall be so construed as to prevent the Secretary of the Treasury from receiving foreign bills of exchange in payment of these bonds.

On motion of Mr. Memminger, the same was amended by striking out the word "six," where it occurs, and inserting in lieu thereof the word "eight."

Mr. Reagan moved to amend the section by striking therefrom the words "or the notes of any bank, corporation."

Mr. Keitt thereon demanded the question; which was seconded, and the motion was lost.

Mr. Perkins moved to amend the same by inserting after the words "to be sold for specie, military stores, or for" the words "cotton or."

Mr. Perkins demanded the question.

The demand was sustained and the motion was lost, and Mr. Kenner, for the State of Louisiana, required the yeas and nays thereon; which are as follows:

Alabama—Yea: Messrs. Walker, Chilton, and Shorter. Nay: Messrs. Smith, Curry, McRae, and Jones.

Florida—Yea: Messrs. Ward and Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Nisbet, T. R. R. Cobb, Kenan, and Stephens. Nay: Messrs. Bartow and Hill.

Louisiana—Yea: Messrs. Perkins and Marshall. Nay: Mr. Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, and Campbell. Nay: Messrs. Barry and Harrison.

South Carolina—Yea: Messrs. Keitt and Withers. Nay: Messrs. Barnwell, Memminger, Miles, and Boyce.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Reagan, Gregg, and Oldham.

Virginia—Nay: Messrs. Hunter, Rives, Brockenbrough, and Staples.

On motion of Mr. Smith, the section was amended by inserting after the words "the proceeds of sales of raw produce or manufactured articles" the following, viz: "to be paid in the form of specie or with foreign bills of exchange."

The section as amended is as follows:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury may, with the assent of the President of the Confederate States,

issue fifty millions of dollars in bonds, payable at the expiration of twenty years from their date, and bearing a rate of interest not exceeding eight per cent per annum until they become payable, the said interest to be paid semiannually. The said bonds, after public advertisement in three newspapers within the Confederate States for six weeks, to be sold for specie, military stores, or for the proceeds of sales of raw produce or manufactured articles to be paid in the form of specie or with foreign bills of exchange in such manner and under such regulations as may be prescribed by the Secretary of the Treasury, with the assent of the President. But it shall be the duty of the Secretary of the Treasury to report at its next ensuing session to the Congress of the Confederate States a precise statement of his transactions under this law. Nor shall the said bonds be issued in fractional parts of the hundred, or be exchanged by the said Secretary for Treasury notes, or the notes of any bank, corporation, or individual, but only in the manner herein prescribed: *Provided*, That nothing herein contained shall be so construed as to prevent the Secretary of the Treasury from receiving foreign bills of exchange in payment of these bonds.

Section 2 having been reported, which provided that the bonds bear 6 per cent interest, on motion of Mr. Withers the word "six" was stricken out and the word "eight" inserted in lieu of it.

The third section being as follows:

SEC. 3. *And be it further enacted*, That in lieu of the notes authorized by this act which may be redeemed, other notes may be issued within the period of ten years as aforesaid: *Provided, however*, That the amount of such notes outstanding, together with the stock in which the said Treasury notes may have been funded under the provisions of this act, shall not exceed the sum of twenty millions of dollars.

On motion of Mr. Memminger, the same was amended by adding thereto the following:

But the Secretary of [the] Treasury may, upon application of the holder of a bond thus funded, redeem it by giving in exchange Treasury notes issued under the provisions of this act to such extent as that the entire amount of notes then issued, together with the amount of the bonds in which they may have been funded, shall not exceed twenty millions of dollars.

Section 6 being as follows:

SEC. 6. *And be it further enacted*, That for the purpose of raising ten millions of dollars within the present calendar year, and of providing for the ultimate redemption of the debt herein authorized to be contracted, the Secretary of the Treasury is hereby directed to collect information in regard to the value of the property, the revenue system, and the amount collected during the last fiscal year in each of the Confederate States, and to report the same to Congress at its next session, so as to enable it to lay a fair, equal, and convenient system of internal taxation for the purpose of securing the payment of the interest and principal of the debt thereby authorized to be created in such manner as may fully discharge the obligation herein contracted by the pledge of the faith of the Confederate States to pay the principal and interest of the said debt when due.

Mr. Harris moved to amend the same by inserting at the beginning of the section the following, viz:

That in order to raise a sum of money for present emergencies, a tax of three dollars on each and every slave in the Confederate States and three dollars on every pleasure carriage be levied and collected by the first Monday in October next; and that the marshals of the several districts of the Confederate States be charged with the assessment and collection of said tax and be authorized to appoint assistants therein: *Provided*, That the amount paid by any person for slaves and carriages shall be deducted from any other assessment made for the same year.

Mr. Harris thereon demanded the question; which was seconded, and the motion was lost.

Mr. Smith moved to amend the section by inserting after the words "the Secretary of the Treasury is hereby directed to collect information in regard to the value of the property" the words, viz: "and the annual income from property, including money, discriminating between the descriptions of property."



The motion was lost.

Mr. Withers moved to amend the bill by an additional section, as follows, in lieu of the amendment offered by him yesterday. viz:

SEC. 7. The Secretary of the Treasury is further instructed to ascertain on the basis of representation prescribed in the permanent Constitution a scale of pro rata assessment on the several States, which in the aggregate shall amount to ten millions of dollars, and to propose to the proper authorities of the several States to receive, and actually receive from the States, or any of them, the assessment appertaining to a State in lieu of such portion of the direct tax proposed to be levied in this bill; and in case any State shall pay such assessment, the same shall be received on or before the first day of September next at ten per centum discount, and the same shall be in lieu, in whole or in part, as the case may be, of the sum to be required in such State to be raised by direct taxation as provided in this bill.

The motion was lost.

On motion of Mr. Memminger, the bill was amended by the following additional section, viz:

SEC. 7. Any State may pay into the Treasury in anticipation of the tax aforesaid any sum not less than one hundred thousand dollars in specie or its equivalent, and if the same be paid on or before the first day of July next, the said States shall be allowed to set off the same with ten per cent additional from the quota to be assessed upon the said State.

The bill as amended was then engrossed, read a third time, and passed.

Mr. Memminger offered

A resolution in relation to imports from the States of Virginia, North Carolina, Tennessee, and Arkansas; which was read a first and second time, engrossed, read a third time, and agreed to.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill to authorize the President to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session;

which was read the first and second times, engrossed, read a third time, and passed.

The Chair laid before Congress estimates for appropriations made by the Secretary of the Treasury; which were referred to the Committee on Finance.

On motion of Mr. Brooke,

Congress adjourned until 11 o'clock to-morrow.

#### EXECUTIVE SESSION.

The Congress having gone into executive session,

Mr. Rhett reported the following resolution, to wit:

A resolution to ratify the agreement and convention entered into between the Commonwealth of Tennessee and the Confederate States of America.

*Resolved by the Congress of the Confederate States of America (two-thirds of the Congress concurring therein), That the Congress advises and consents to the ratification of the convention and agreement entered into on the seventh day of May, eighteen hundred and sixty-one, at Nashville, Tennessee, between the Commonwealth of Tennessee, by her commissioners, and the Confederate States of America, by their commissioner, the Honorable Henry W. Hilliard.*

The question being,

Will the Congress advise and consent [to] the resolution?

It was unanimously decided in the affirmative.

THURSDAY, MAY 16, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Petrie.

Congress proceeded to the consideration of the regular order on the Calendar, to wit:

A bill to establish a patent office, and to provide for the granting and issuance of patents for new and useful discoveries, inventions, improvements, and designs.

The second section having been reported, which contained the following sentence, viz:

And the said Commissioner may also, with like approval, appoint such examiners and other clerks as may be necessary,

On motion of Mr. Brooke, the same was amended by inserting after the word "examiners" the words "of patents."

The fifth section having been read, which authorized the issuance of patents to extend to a term not exceeding seventeen years,

On motion of Mr. Brooke, the same was amended by striking therefrom the word "seventeen" and inserting the word "fourteen."

The thirteenth section being as follows:

SEC. 13. *And be it further enacted*, That whenever, in any action for damages [for] making, using, or selling the thing whereof the exclusive right is secured by any patent heretofore granted, or by any patent which may hereafter be granted, a verdict shall be rendered for the plaintiff in such action, it shall be in the power of the court to render judgment for any sum above the amount found by such verdict as the actual damages sustained by the plaintiff, not exceeding three times the amount thereof, according to the circumstances of the case, with costs; and such damages may be recovered by action on the case in any court of competent jurisdiction, to be brought in the name or names of the person or persons interested, whether as patentee, assignee, or as grantees of the exclusive right within and throughout a specified part of the Confederate States.

Mr. Hemphill moved to amend the same by striking therefrom as they occur the words, viz:

it shall be in the power of the court to render judgment for any sum above the amount found by such verdict as the actual damages sustained by the plaintiff, not exceeding three times the amount thereof.

The motion was lost.

On motion of Mr. Hemphill, the words "by action on the case" as they occur in the section were stricken out.

The words "may have remedy by bill in equity" occurring in the fifteenth section, on motion of Mr. Hemphill, the words "by bill" in the same were stricken out.

The sixteenth section being as follows:

SEC. 16. *And be it further enacted*, That all actions, suits, controversies, and cases arising under any law of the Confederate States, granting or confirming to inventors the exclusive right to their inventions or discoveries, shall be originally cognizable, as well in equity as at law, by the district courts of the Confederate States; which courts shall have power, upon a bill in equity filed by any party aggrieved, in any such case, to grant injunctions according to the course and principles of courts of equity, to prevent the violation of the rights of any inventor as secured to him by any law of the Confederate States, on such terms and conditions as said courts may deem reasonable: *Provided, however*, That from all judgments and decrees from any such court rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the Confederate States, in the same manner

and under the same circumstances as is now provided by law in other judgments and decrees of district courts, and in all other cases in which the court shall deem it reasonable to allow the same.

On motion of Mr. Hemphill, the same was amended by striking out as they occur the words "upon a bill in equity filed by any party aggrieved."

Pending the consideration of the bill,

A message was received from the President, transmitting estimates submitted by the Secretary of War.

The same were referred to the Committee on Military Affairs.

The eighteenth section of the bill being as follows:

SEC. 18. *And be it further enacted*, That whenever a patent shall be returned for correction and reissue, and the patentee shall desire several patents to be issued for distinct and separate parts of the thing patented, he shall first pay, in manner and in addition to the sum provided by that act, the sum of twenty dollars for each additional patent so to be issued; nor shall any new patent be issued for an improvement made in any machine, manufacture, or process, to the original inventor, assignee, or possessor of a patent therefor, nor any disclaimer be admitted to record, until a duplicate model and drawing of the same shall have been deposited in the Patent Office, if the Commissioner shall require the same; nor shall any patent be granted for an invention, improvement, or discovery, the model or drawing of which shall have been lost, until another model or drawing, if required by the Commissioner, shall in like manner be deposited in the Patent Office. And in all such cases the question of compensation for such models and drawings shall be subject to the judgment and decision of the Commissioner, under the same limitations and restrictions as are herein prescribed.

Mr. Smith moved to amend by striking out the same.

The motion was lost.

The twenty-second section being as follows:

SEC. 22. *And be it further enacted*, That whenever, by mistake, accident, or inadvertence, and without any willful default, or intent to defraud or mislead the public, any patentee shall have, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor, and shall have no legal or just right to claim the same, in every such case the patent shall be deemed good and valid for so much of the invention or discovery as shall be truly and bona fide his own: *Provided*, That it shall be a material and substantial part of the thing patented, and be definitely distinguishable from the other parts so claimed without right as aforesaid. And every such patentee, his executors, administrators, and assigns, whether of a whole or of a sectional interest therein, shall be entitled to maintain a suit at law or in equity on such patent for any such infringement of such part of the invention or discovery as shall be bona fide his own as aforesaid, notwithstanding the specification may embrace more than he shall have any legal right to claim. But in every such case in which a judgment or verdict shall be rendered for the plaintiff he shall not be entitled to recover costs against the defendant, unless he shall have entered at the Patent Office, prior to the commencement of the suit, a disclaimer of all that part of the thing patented which was so claimed without right: *Provided, however*, That no person bringing any such suit shall be entitled to the benefits of the provisions contained in this section, who shall have unreasonably neglected or delayed to enter at the Patent Office a disclaimer as aforesaid.

Mr. Smith moved to amend by striking out the same.

The motion was lost.

The twenty-eighth section was passed over informally.

The thirtieth section being as follows:

SEC. 30. That a sum of money not exceeding one thousand dollars be, and the same is hereby, appropriated out of the patent fund to be expended by the Commissioner of Patents in the collection of agricultural statistics and for other agricultural purposes, for which the said Commissioner shall account in his next annual report.

On motion of Mr. Smith, the same was stricken out.

Mr. Ochiltree moved to amend the bill by additional section, as follows:

That in every instance where an applicant for a patent under the provisions of this act shall make oath that he is by reason of his poverty unable to pay the sums of money required to be paid as fees, then he shall be entitled to all the benefits of this act in like manner as though he had paid the same.

The motion was lost.

The thirty-second section being as follows:

SEC. 32. *And be it further enacted*, That the oath required for applicants for patents may be taken when the applicant is not, for the time being, residing in the Confederate States before any minister plenipotentiary, chargé d'affaires, consul, or commercial agent holding commission under the Government of the Confederate States, or before any notary public of the foreign country in which such applicant may be.

On motion of Mr. Cobb, the same was amended by adding thereto the following:

*Provided*, Such foreign State shall have recognized the independence of the Confederate States and shall be at the time in amity with them.

The thirty-fourth section being as follows:

SEC. 34. *And be it further enacted*, That from all judgments and decrees of any district court rendered in any action, suit, controversy, or case at law or in equity arising under any law of the Confederate States granting or confirming to authors the exclusive right to their inventions or discoveries a writ of error or appeal, as the case may require, shall lie, at the instance of either party, to the Supreme Court of the Confederate States in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of such district courts without regard to the sum or value in controversy in the action.

On motion of Mr. Brooke, the same was amended by striking out the word "authors," where it occurs, and inserting in lieu thereof the words "inventors and discoverers."

Mr. Smith moved further to amend the section by striking out the words "without regard to the sum or value in controversy in the action."

The motion was lost.

The thirty-seventh section being:

That the salary of the Commissioner of Patents, from and after the passage of this [act] shall be

On motion of Mr. Brooke, the same was amended by filling the blank with and adding at the end of the section the following:

three thousand dollars per annum; that of the chief clerk, eighteen hundred dollars per annum; that of each examiner of patents, eighteen hundred dollars per annum, and that of each regularly employed recorder or other clerk, one thousand dollars per annum.

The thirty-eighth section being as follows:

SEC. 38. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them to otherwise dispose of, such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs when the design can be sufficiently represented by a drawing.

On motion of Mr. Brooke, the same was amended by inserting after the word "designs" the words "and inventions," and inserting after the word "design" the words "or invention," and by striking out the words "in future."



The section as amended is as follows:

SEC. 38. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them to otherwise dispose of, such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs and inventions. He is further authorized to dispense with models of designs when the design or invention can be sufficiently represented by a drawing.

The proviso of the forty-second section being as follows:

*Provided*, That the fee to be paid in such application shall be for the term of three years and six months, ten dollars; for seven years, fifteen dollars; and for fourteen years, thirty dollars.

On motion of Mr. Brooke, the same was amended by striking out the word "thirty" and inserting in lieu thereof the word "twenty."

The following being a portion of the fiftieth section:

SEC. 50. *And be it further enacted*, That all patents heretofore granted and issued by the United States to any person or persons now a citizen or citizens of either of the States of this Confederacy, or now held by assignment by any such citizen or citizens, shall continue in force for the term for which they were issued yet unexpired, and if assigned in part only to any citizen of this Confederacy, shall continue in force for such part. And all patents granted by the said United States prior to the twentieth day of December, eighteen hundred and sixty, to any person or persons other than a citizen or citizens of this Confederacy and not now owned by any such citizen, in whole or in part, shall be in force for their unexpired term from the time when the government or governments to which such person or persons may owe allegiance shall be at peace with and recognize the independence and sovereignty of this Confederacy: *Provided*, That patents provided for in this section shall be recorded, etc.

On motion of Mr. Nisbet, the same was amended by inserting after the word "Confederacy," where it first occurs, the words "or of the States of North Carolina, Tennessee, or Arkansas," and inserting after the word "Confederacy," where it next occurs, the words "or of the States aforesaid."

Mr. Smith moved to amend by striking out the following words, viz:

And all patents granted by the said United States prior to the twentieth day of December, eighteen hundred and sixty, to any person or persons other than a citizen or citizens of this Confederacy and not now owned by any such citizen, in whole or in part, shall be in force for their unexpired term from the time when the government or governments to which such person or persons may owe allegiance shall be at peace with and recognize the independence and sovereignty of this Confederacy.

Mr. Barry moved to amend the amendment offered by Mr. Smith and to perfect the section by striking out the following words, viz:

in force for their unexpired term from the time when the government or governments to which such person or persons may owe allegiance shall be at peace with and recognize the independence and sovereignty of this Confederacy;

And inserting in lieu thereof the words "of no force or effect in the Confederate States."

Pending which motion.

On motion of Mr. Toombs, Congress went into secret session; and after remaining some time therein, adjourned until 11 o'clock to-morrow.

#### SECRET SESSION.

Congress having resolved itself in secret session,

On motion of Mr. Toombs, the special order was postponed for the time; and

Mr. Toombs, from the Committee on Finance, to which was recommended

A bill to provide revenue from commodities imported from foreign countries, reported the same back with modifications and recommended its passage.

The bill retains its place on the Calendar.

Mr. Toombs, from the same committee, reported

A bill making appropriations for the legislative and executive expenses of Government for the year ending February 18, 1862; which was read the first and second times, ordered to be placed on the Calendar, and to be printed.

Mr. Toombs also reported

A bill making appropriations for the support of the Navy for the year ending February 18, 1862; which was read a first and second time and placed on the Calendar.

Mr. Toombs, from the same committee, also reported

A bill making appropriations to supply deficiencies in the revenue of the Post-Office Department for the year ending February 18, 1862; which was read the first and second times, ordered to be placed on the Calendar, and to be printed.

Mr. Toombs also made the following report:

The Committee on Finance, to whom were referred the report of the Committee on Government Buildings and the contracts of lease entered into for the same, and also certain accounts for articles of furniture provided for the Executive Mansion and the executive buildings and for work done upon the executive buildings, report that they have examined said contracts and recommend that they be approved and that the contracts of lease be filed in the office of the Secretary of the Treasury.

Mr. Withers offered the following amendment to the report:

*Resolved*, That in consideration of the following clause of the Provisional Constitution of the Confederate States of America, to wit:

"The President shall at stated times receive for his services during the period of the Provisional Government, a compensation at the rate of twenty-five thousand dollars per annum; and he shall not receive during that period any other emolument from this Confederacy or any of the States thereof."

That so much of the report of the committee as recommends an appropriation to pay for furniture purchased for the use of the President be disagreed to.

The report and the amendment were ordered to be placed on the Calendar.

Mr. Smith, from the Committee on Judiciary, to which was referred

A resolution to admit certain States by proclamation of the President, reported

A bill for the admission of any slaveholding State now or lately a member of the United States into the Confederate States of America; which was read a first and second time.

Mr. Stephens offered as a substitute therefor the following, viz:

A bill to admit the State of North Carolina into the Confederacy on a certain condition.

The proviso of the bill reported by the committee being as follows:

*Provided*, That this act shall only apply to any such State taking such steps for admission into the Provisional Government of the Confederate States during a recess of Congress.

On motion of Mr. Cobb, the same was stricken out.

The substitute was then adopted in lieu of the bill reported by the committee, and was engrossed and read a third time and passed; the States voting thereon:

Yea: Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia. 8.

Mr. Stephens also introduced

A bill to admit the State of Tennessee into the Confederacy on a certain condition;

which was read a first and second time, engrossed, read a third time, and passed; the States voting thereon:

Yea: Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia. 8.

Mr. Smith, from the Committee on Judiciary, made the following report:

The Committee on Judiciary, to whom was referred the resolution respecting the organization of the courts of the Confederate States for the State of Virginia, ask leave to report:

That it is important that the State of Virginia should be divided into two judicial districts and that the Confederate courts for said State be speedily organized. The Provisional Constitution ordains that "each State shall constitute a district," and to accomplish the object indicated, as well as to enable Congress to meet similar necessities on the part of Texas, the committee report and recommend the adoption of the following amendment to the Provisional Constitution, viz: An ordinance to amend the Provisional Constitution;

which was read the first and second times, and, on motion of Mr. Barnwell, placed on the Calendar, and ordered to be printed.

On motion of Mr. Toombs, it was agreed that the special order be postponed for the time and Congress proceed to the consideration of the bill to provide revenue from commodities imported from foreign countries.

On motion of Mr. Marshall, all the regular and special orders were postponed until after the call of the committees for reports, etc.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to amend an act to provide for the organization of the Navy, approved March 16, 1861; also

A bill amendatory of an act to provide for the organization of the Navy;

which were severally read the first and second times and placed on the Calendar.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill making appropriations in addition to those already made for the military service of the Confederate States of America for the fiscal year ending 18th February, 1862;

which was read a first and second time and, together with the estimates submitted by the Secretary of War, referred to the Committee on Finance.

Mr. Bartow, from the same committee, reported

A bill to provide an additional company of sappers and bombardiers for the Army;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Gregg, from the same committee, reported the following resolution:

*Resolved*, That it be suggested to the Secretary of War that he cause proper investigation to be made and have such defenses established at Sabine City, in the State of Texas, as the necessities of the people of Texas and the interests of the country require.

The resolution was agreed to.

Mr. Chilton, from the Committee on Postal Affairs, reported

A bill to establish a mail route from Vermillionville, in the State of Louisiana, to Orange, in the State of Texas, and for other purposes; which was read the first and second times, engrossed, read a third time, and passed.

Mr. Chilton, from the same committee, reported

A bill to authorize the extension of the mail service of the Confederate States in certain cases and upon certain conditions; which was read the first and second times, engrossed, read a third time, and passed.

Mr. Ochiltree offered a resolution instructing the Committee on Foreign Affairs to inquire into the expediency of reporting a bill authorizing the confiscation of certain railroad iron belonging to citizens of the State of New York.

The resolution was agreed to.

On motion of Mr. Cobb, the bill to provide revenue from commodities imported from foreign countries was postponed and made the special order for to-morrow, 12 o'clock.

On motion of Mr. Shorter, leave of absence was granted to his colleague, Mr. Davis, to date from the 14th instant.

The Chair laid before Congress estimates made by the Secretary of the Treasury for the expenses of the loan authorized by act of Congress; which were referred to the Committee on Finance.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide a compensation for the disbursing officers of the several Executive Departments;

A resolution in relation to marine hospitals;

An act to amend an act entitled "An act to provide for the appointment of chaplains to the Army," approved May 3, 1861;

An act to authorize the President to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session;

An act to provide for auditing the accounts of the Post-Office Department;

An act to increase the military establishment of the Confederate States and to amend the act for the establishment and organization of the Army of the Confederate States; and

An act to authorize a loan and the issue of Treasury notes, and to prescribe the punishment for forging the same, and for forging certificates of stock and bonds.

On motion of Mr. Keitt,

Congress adjourned until to-morrow, 11 o'clock.

FRIDAY, MAY 17, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer being offered,

The Chair laid before Congress a report and certain resolutions on the state of the country from the Southern Baptist Convention.



On motion of Mr. Cobb, they were ordered to be entered at large on the Journal, and are as follows:

SAVANNAH, GA., May 14, 1861.

HON. HOWELL COBB,

*President of the Congress, U. S. A., Montgomery, Ala.*

SIR: Herewith I beg leave to submit to you the report and resolutions adopted by the Southern Baptist Convention, on Monday, 13th instant.

I am instructed to request you to lay this document before the honorable body over which you preside.

Very respectfully, your obedient servant,

WM. CAREY CRANE,

*Senior Secretary of the Southern Baptist Convention.*

Report of committee on the state of the country.

We hold this truth to be self-evident—that governments are established for the security, prosperity, and happiness of the people. When, therefore, any government is perverted from its proper design, becomes oppressive, and abuses its power, the people have a right to change it.

As to the States once combined upon this continent, it is now manifest that they can no longer live together in one confederacy. The Union constituted by our forefathers was one of coequal, sovereign States. The fanatical spirit of the North has long been seeking to deprive us of rights and franchises guaranteed by the Constitution, and after years of persistent aggression they have at last accomplished their purpose.

In vindication of their sacred rights and honor, in self-defense, and for the protection of all which is dear to man, the Southern States have practically asserted the right of seceding from a union so degenerated from that established by the Constitution, and they have formed for themselves a Government based upon the principles of the original compact, adopting a charter which secures to each State its sovereign rights and principles.

This new Government, in thus dissolving former political connections, seeks to cultivate relations of amity and good will with its late confederates and with all the world; and they have thrice sent commissioners to Washington with overtures for peace and for a fair, amicable adjustment of all difficulties.

The Government at Washington has insultingly repelled these reasonable proposals and now insists upon devastating our land with fire and sword; upon letting loose hordes of armed soldiery to pillage and desolate the entire South, for the purpose of forcing the seceded States back into unnatural union or of subjugating them and holding them as conquered provinces.

While the two sections of the land are thus arrayed against each other, it might naturally have been hoped that at least the churches of the North would interpose and protest against this appeal to the sword, this invoking of civil war, this deluging the whole land in fratricidal blood; but with astonishment and grief we find churches and pastors at the North breathing out slaughter and clamoring for sanguinary hostilities with a fierceness which we would have supposed impossible among the disciples of the Prince of Peace.

In view of such premises this convention can not keep silence. Recognizing the necessity that the whole moral influence of the people, in whatever capacity or organization, should be enlisted in aid of the rulers who by their suffrages have been called to defend the endangered interests of person and property, of honor and of liberty, it is bound to utter its voice distinctly, decidedly, emphatically. And your committee recommend, therefore, the subjoined resolutions:

(1) *Resolved*, That impartial history can not charge upon the South the dissolution of the Union. She was foremost in advocating and cementing that Union. To that Union she clung through long years of calumny, injury, and insult. She has never ceased to raise her warning appeals against the fanaticism which has obstinately and incessantly warred against that Union.

(2) *Resolved*, That we most cordially approve of the formation of the Government of the "Confederate States of America," and admire and applaud the noble course of that Government up to the present time.

(3) *Resolved*, That we will assiduously invoke the Divine direction and favor in behalf of those who bear rule among us, that they may still exercise the same wise, prompt, elevated statesmanship which has hitherto characterized their measures; that their enterprises may be attended with success, and that they may attain a great reward, not only in seeing these Confederate States prosper under their administra-

tion, but in contributing to the progress of the transcendent kingdom of our Lord Jesus Christ.

(4) *Resolved*, That we most cordially tender to the President of the "Confederate States," to his Cabinet, and to the members of the Congress now convened at Montgomery the assurances of our sympathy and entire confidence. With them are our hearts and hearty cooperation.

(5) *Resolved*, That the lawless reign of terror at the North, the violence committed upon unoffending citizens, above all the threats uttered to wage upon the South a warfare of savage barbarity, to devastate our homes and hearths with hosts of ruffians and felons burning with lust and rapine, ought to excite the horror of all civilized people. God forbid that we should so far forget the spirit of Jesus as to suffer malice and vindictiveness to insinuate themselves into our hearts, but every principle of religion, of patriotism, of humanity calls upon us to pledge our fortunes and lives in the good work of repelling an invasion designed to destroy whatever is dear in our heroic traditions, whatever is sweet in our domestic hopes and enjoyments, whatever is essential to our institutions and our very manhood, whatever is worth living or dying for.

(6) *Resolved*, That we do now engage in prayer for our friends, brothers, fathers, sons, and citizen soldiers who have left their homes to go forth for the defense of their families and firesides and all which is dearest to the human heart, and we recommend to the churches represented in this body that they constantly invoke a holy and merciful God to guard them from the temptations to which they are exposed, cover their heads in the day of battle, and give victory to their arms.

(7) *Resolved*, That we will pray for our enemies in the spirit of that Divine Master, who, when he was reviled, reviled not again, trusting that their pitiless purposes may be frustrated; that God will grant to them a more politic, a more considerate, and a more Christian mind; that the fratricidal strife which they have decided upon, notwithstanding all our commissions and pleas for peace, may be arrested by that Supreme Power who maketh the wrath of man to praise him, and that thus, through a divine blessing, the prosperity of these sovereign and once allied States may be restored under the two Governments to which they now and henceforth respectively belong.

(8) *Resolved*, And we do hereby recommend to the churches of the Baptist denomination in the Southern States to observe the 1st day of June as a day of humiliation, fasting, and prayer to Almighty God that he may avert any calamities due to our sins as a people and may look with mercy and favor upon us.

(9) *Resolved*, That whatever calamities may come upon us, our firm trust and hope are in God, through the atonement of his Son, and we earnestly beseech the churches represented in this body, a constituency of six or seven hundred thousand Christians, that they be fervent and importunate in prayer, not only for the country, but for the enterprises of the Gospel which have been committed to our care. In the war of the Revolution and in the war of 1812 the Baptists bated no jot of heart or hope for the Redeemer's cause. Their zeal and liberality abounded in their deepest afflictions. We beseech the churches to cherish the spirit and imitate the example of this noble army of saints and heroes; to be followers of them who through faith and patience inherit the promises; to be steadfast, unmovable, always abounding in the work of the Lord, forasmuch as they know that their labor is not in vain in the Lord.

(10) *Resolved*, That these resolutions be communicated to the Congress of the "Confederate States" at Montgomery, with the signatures of the president and secretaries of the convention.

RICHARD FULLER, Maryland,  
JAMES B. TAYLOR, Virginia,  
E. T. WINKLER, South Carolina,  
L. W. ALLEN, Kentucky,  
WM. CAREY CRANE, Louisiana,  
G. H. MARTIN, Mississippi,

BASIL MANLY, Alabama,  
J. L. PRITCHARD, North Carolina,  
P. H. MELL, Georgia,  
R. B. C. HOWELL, Tennessee,  
JAMES E. BROOME, Florida,

*Committee.*

A true copy, as adopted May 13, 1861, at the city of Savannah, Ga.

RICHARD FULLER, *President.*

WM. CAREY CRANE,  
GEO. B. TAYLOR;

*Secretaries.*

Mr. Ochiltree presented a memorial relative to the Texas and New Orleans Railroad Company, petitioning for aid, etc.; which was referred to the Committee on Military Affairs.

Mr. Conrad presented a claim in favor of Jacob Barker against the United States Government; which was referred to the Committee on Claims.

Mr. Conrad introduced

A bill to exempt from duty certain cars purchased by the New Orleans and Carrollton Railroad Company and the New Orleans City Railroad Company; which, together with certain papers from the said railroad companies, was referred to the Committee on Finance.

Congress then proceeded to the consideration of the unfinished business, viz:

A bill to establish a patent office, and to provide for the granting and issuance of patents for new and useful discoveries, inventions, improvements, and designs.

The question pending at the adjournment yesterday, on the motion of Mr. Barry to strike out and insert, the same was lost.

The question then recurring on the motion of Mr. Smith to amend by striking out, the same was agreed to.

On motion of Mr. Withers, the section was further amended by adding at the end of the first sentence the following: "*Provided*, [That] such assignment was made prior to the fourth of February, eighteen hundred and sixty-one."

On motion of Mr. Brooke, the section was further amended by adding at the end of the amendment adopted on the motion of Mr. Withers the following:

*Provided*, [That] nothing contained in this act shall be construed to recognize any renewal of a patent by the United States heretofore made.

On motion of Mr. Brooke, the section was also amended by inserting after the word "patents," when it first occurs in the last proviso, the words "or the deed of assignment therefor."

The section as amended is as follows:

That all patents heretofore granted and issued by the United States to any person or persons now a citizen or citizens of either of the States of this Confederacy, or of the States of North Carolina, Tennessee, or Arkansas, or now held by assignment by any such citizen or citizens, shall continue in force for the term for which they were issued yet unexpired, and if assigned in part only to any citizen of this Confederacy, or of the States aforesaid, shall continue in force for such part: *Provided*, [That] such assignment was made prior to the fourth February, one thousand eight hundred and sixty-one: *Provided*, [That] nothing contained in this act shall be construed to recognize any renewal of a patent by the United States heretofore made: *Provided*, That patents, or the deed of assignment therefor, provided for in this section shall be recorded in the Patent Office of the Confederate States, and there also shall be deposited in said office such models or descriptive drawings as may be necessary to identify and explain the subject-matter of said patents; and all persons claiming the benefit of this section shall pay to the Commissioner of Patents the sum of twenty dollars, for the use of the patent fund; unless such patents are so filed for record, with such drawings or models as aforesaid, within nine months from the date of publication of this act, they shall be considered as abandoned and shall be null and void. And it shall be the duty of the Commissioner to indorse on each patent so filed for record the date of such filing, and also a certificate under the seal of his office that said patent has been recorded, which certificate shall be evidence of the fact in any court of justice, whether of the State or of the Confederacy, and of the rights of the owner thereof to use said patent; and such patents shall, after they are recorded, be returned to the owner thereof.

The last section of the bill being as follows:

That if any citizen of this Confederacy should at the close of the war now existing between this Confederacy and the United States of America be in the use or exercise of any patent rights belonging in whole or in part to an alien enemy or enemies, or



engaged in the manufacture of any article or fabric by machinery or composition covered and protected by any such rights, such citizen or citizens shall have the right to continue such use and manufacture notwithstanding such patent may be recorded as hereinbefore provided for: *Provided*, That the citizens of the slaveholding States of the United States shall not be considered as alien enemies within the meaning of this act so long as their respective States shall refuse to assist said United States in its war against this Confederacy with troops, provisions, or munitions of war; and any citizen of any such slaveholding States desiring to avail himself of the privileges of this act during said war shall, with his application, file an affidavit or statement in writing, under oath, admitting the independence of this Confederacy and disclaiming all sympathy with the said United States in their war aforesaid.

On motion of Mr. Brooke, the same was stricken out.

On motion of Mr. Brooke, at the instance of the State of Mississippi, the vote by which the thirty-seventh section, on his motion, was amended was reconsidered.

Mr. Brooke then modified his amendment so as to make the salaries of examiners \$2,000 instead of \$1,800 per annum.

And the amendment as modified was agreed to.

Mr. Hemphill, for the State of Texas, moved to reconsider the vote by which his motion to amend the thirteenth section on yesterday was lost, and thereon Mr. Hale demanded the question.

The demand was sustained, and the motion to reconsider prevailed.

The question being on the motion of Mr. Hemphill to strike out, by unanimous consent the motion to strike out was so modified as to include the whole section.

Mr. Hale demanded the question: which was seconded, and the section was stricken out;

And Mr. Miles, at the instance of the State of South Carolina, required the yeas and nays of the entire body: which were taken, and recorded as follows:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, McRae, Shorter, and Jones.

Florida—Yea: Messrs. Morton and Owens. Nay: Mr. Ward.

Georgia—Yea: Messrs. Bartow, Crawford, Wright, T. R. R. Cobb, and Stephens. Nay: Messrs. Howell Cobb, Nisbet, Hill, and Kenan.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Nay: Messrs. Harris, Brooke, Orr, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Yea: Messrs. Reagan, Hemphill, Gregg, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Hunter, Rives, and Staples.

Mr. Jones, for the State of Alabama, moved to reconsider the vote by which the thirty-second section, on motion of Mr. Cobb, was amended.

Mr. Brooke thereon demanded the question: which was seconded, and the motion to reconsider was lost.

The twenty-eighth section, which was informally passed over, and which was reported as follows:

SEC. 28. *And be it further enacted*, That no person shall be debarred from receiving a patent for any invention or discovery, as provided in this act, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided*, That the same shall not have been introduced into public and common use in the Confederate States prior to the application for such patent: *And provided also*, That in all cases every such patent shall be limited to the term of fourteen years from the date of publication of such foreign letters patent.



On motion of Mr. Cobb, the same was stricken out and the following inserted in lieu thereof, to wit:

All applications by aliens to obtain patents for inventions which have already been patented in foreign countries shall be made within six months from the date of such foreign letters patent. Nor shall letters patent be granted to any alien whose government is at war with the Confederate States.

On motion of Mr. Hemphill, the bill was amended by the following additional section, viz:

*Be it further enacted*, That in case the original inventor or discoverer of the art, machine, or improvement for which a patent is solicited is a slave, the master of such slave may take an oath that the said slave was the original inventor, and on complying with the requisites of the law shall receive a patent for said discovery or invention and have all the rights to which a patentee is entitled by law.

On motion of Mr. Brooke, the following was adopted as the last section, to wit:

*Be it further enacted*, That this act shall take effect and be in force from and after its passage.

The bill as amended was then engrossed, read a third time, and passed.

Congress then went into secret session; and after remaining some time therein, adjourned until 11 o'clock to-morrow.

#### SECRET SESSION.

Congress having resolved itself in secret session,

A message was received from the President that he had approved and signed

An act to provide for auditing the accounts of the Post-Office Department;

An act to increase the military establishment of the Confederate States and to amend the act for the establishment and organization of the Army of the Confederate States of America;

An act to provide a compensation for the disbursing officers of the several Executive Departments;

A resolution in relation to marine hospitals;

An act to amend an act entitled "An act to provide for the appointment of chaplains to the Army," approved May 3, 1861;

[An act to authorize the President to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session; and

An act to authorize a loan and the issue of Treasury notes, and to prescribe the punishment for forging the same, and for forging certificates of stock and bonds.]

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to admit the State of North Carolina into the Confederacy on a certain condition; and

A resolution relating to the adjournment of Congress.

The Chair laid before Congress two messages from the President submitting estimates for appropriations made by the Postmaster-General; which were referred to the Committee on Finance.

Congress then proceeded to the consideration of the special order, viz:

A bill to provide revenue from commodities imported from foreign countries.

The bill as modified by the committee during its recommitment was substituted for the original bill.

Mr. Rhett moved that the bill be engrossed for a third reading and thereon called the question.

On the question of seconding the demand, Mr. Cobb, at the instance of the State of Georgia, required the yeas and nays of the entire body; which were taken, and recorded as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Hale, and McRae. Nay: Mr. Chilton.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Bartow, Kenan, and Stephens. Nay: Messrs. Toombs, Howell Cobb, Crawford, Nisbet, Hill, Wright, and T. R. R. Cobb.

Louisiana—Yea: Messrs. Perkins, De Clouet, Kenner, Sparrow, and Marshall. Nay: Mr. Conrad.

Mississippi—Yea: Mr. Harris. Nay: Messrs. Brooke, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, and Withers. Nay: Messrs. Miles and Boyce.

Texas—Yea: Messrs. Gregg, Oldham, and Ochiltree. Nay: Messrs. Reagan and Hemphill.

Virginia—Yea: Messrs. Hunter, Brockenbrough, and Staples. Nay: Mr. Rives.

The demand was sustained.

Mr. Brooke, for the State of Mississippi, moved to reconsider the vote just taken by which the demand for the question was seconded.

The motion was lost.

The bill was then engrossed, read a third time, and passed.

A message was received from the President that he had approved and signed

An act to admit the State of North Carolina into the Confederacy on a certain condition.

Mr. Shorter reported as correctly engrossed and enrolled

A resolution in relation to imports from the States of Virginia, North Carolina, Tennessee, and Arkansas;

An act to admit the State of Tennessee into the Confederacy on a certain condition;

An act to authorize the extension of the mail service of the Confederate States in certain cases and upon certain conditions;

An act to establish a mail route from Vermillionville, in the State of Louisiana, to Orange, in the State of Texas, and for other purposes; and

An act to provide an additional company of sappers and bombardiers for the Army.

The following message was received from the President:

MONTGOMERY, ALA., May 17, 1861.

*To the Congress of the Confederate States.*

GENTLEMEN: I have this day received your resolution providing for the adjournment of Congress, "to meet again at Richmond on the twentieth day of July next," etc., and have the honor to return it to you with a statement of my objections.

By the third clause of the sixth article of the Constitution for the Provisional Government of the Confederate States of America it was enacted that "until otherwise provided by the Congress, the city of Montgomery, in the State of Alabama, shall be the seat of government."

There is no provision in the resolution before me to remove the seat of government, and hence it follows that the office of the Executive and those of the Executive Departments of the Government must remain at the city of Montgomery.

Though there is no specific requirement that the Congress should assemble at the seat of government, the obvious necessity for its doing so will require extraordinary circumstances to justify the holding of a session of Congress at a place remote from that where the Executive Departments are located. Great embarrassment and probable detriment to the public service must result from the want of cointelligence between the coordinate branches of the Government incident to such separation. The estimates on which appropriations can alone be made not unfrequently require explanation, which, under such circumstances, could not well be made.

Members of the Cabinet who are also members of the Congress must of necessity be prevented from performing one duty or the other.

With these views, deferentially and most respectfully submitted, I have the honor to return the resolution for such further action as the Congress may, in its wisdom, deem it proper to adopt.

JEFFERSON DAVIS.

Mr. Rhett moved that the reconsideration of the resolution returned by the President with his objections lie over until to-morrow 12 o'clock and be made the special order for that hour.

The motion was lost.

The question then being on agreeing to the resolution, Mr. Walker, at the instance of the State of Alabama, demanded the yeas and nays of the entire body; which were taken, and are recorded as follows, viz:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, Shorter, and Jones.

Florida—Nay: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Howell Cobb, T. R. Cobb, and Kenan. Nay: Messrs. Toombs, Bartow, Crawford, Nisbet, Hill, Wright, and Stephens.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Mr. Barry. Nay: Messrs. Harris, Brooke, Harrison, and Campbell.

South Carolina—Yea: Messrs. Keitt, Miles, and Boyce. Nay: Messrs. Rhett, Barnwell, Chesnut, Memminger, and Withers.

Texas—Nay: Messrs. Reagan, Hemphill, Gregg, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Hunter and Brockenbrough. Nay: Messrs. Rives and Staples.

The constitutional majority of two-thirds not being in favor of the resolution, the same was lost.

A message was received from the President that he had approved and signed

A resolution in relation to imports from the States of Virginia, North Carolina, Tennessee, and Arkansas:

An act to admit the State of Tennessee into the Confederacy on a certain condition;

An act to establish a mail route from Vermillionville, in the State of Louisiana, to Orange, in the State of Texas, and for other purposes; and

An act to provide an additional company of sappers and bombardiers for the Army.

Mr. Rhett offered the following resolution; which was agreed to, viz:

*Resolved*, That the injunction of secrecy shall be removed from all acts signed by the President as soon as the same are returned to this House, unless the House determine otherwise.

Congress then proceeded to the consideration of the bill for the protection of certain Indian tribes.

The bill was considered by sections, and on motion of Mr. Keitt the same was amended by the following additional sections, viz:

SEC. 6. *And be it further enacted*, That the Confederate States do hereby assume the duty and obligation of collecting and paying over as trustees to the several Indian tribes now located in the Indian Territory south of Kansas, all sums of money accruing, whether from interest or capital of the bonds of the several States of this Confederacy now held by the Government of the United States as trustees for said Indians or any of them; and the said interest and capital as collected shall be paid over to said Indians or invested for their account, as the case may be, in accordance with the several treaties and contracts now existing between said Indians and the Government of the United States.

SEC. 7. That the several States of this Confederacy be requested to provide by legislation or otherwise that the capital and interest of the bonds issued by them respectively, and held by the Government of the United States in trust for said Indians, or any of them, shall not be paid to said Government of the United States, but shall be paid to this Government in trust for said Indians.

SEC. 8. That it shall be the duty of the Commissioner of Indian Affairs to obtain and publish, at as early a period as practicable, a list of all the bonds of the several States of this Confederacy now held in trust by the Government of the United States as aforesaid, and to give notice in said publication that the capital and interest of said bonds are to be paid to this Government and to no other holder thereof whatever.

The bill as amended was engrossed, read a third time, and passed.

Mr. Conrad introduced

A bill to change the seat of government;

which was read the first and second times and placed on the Calendar.

On motion of Mr. Withers,

Congress adjourned until 11 o'clock to-morrow.

SATURDAY, MAY 18, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Mr. Stephens introduced

A bill to admit the State of Arkansas into the Confederacy;

which was read the first and second times, engrossed, read a third time, and passed, the States voting as follows:

Yea: Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia.

Mr. Stephens announced the presence of Mr. Robert W. Johnson, Mr. A. Rust, Mr. W. W. Watkins, and Mr. A. H. Garland, Delegates from the State of Arkansas, who appeared, were qualified, and took their seats.

Mr. Stephens moved that an additional member be added to the Committees on Indian Affairs, on Public Lands, on Postal Affairs, and on Commerce.

The motion prevailed.

The Chair appointed Mr. Johnson, of Arkansas, on the Committee on Indian Affairs; Mr. Garland, of Arkansas, on the Committee on Public Lands; Mr. Rust, of Arkansas, on the Committee on Postal Affairs; Mr. Watkins, of Arkansas, on the Committee on Commerce.



The Congress went into secret session; and after remaining some time therein, adjourned until Monday morning, 11 o'clock.

## SECRET SESSION.

The Congress having gone into secret session.

Mr. Nisbet offered

A resolution in relation to the adjournment of Congress; which was made the special order of the day for Monday next.

Mr. Sparrow presented a memorial from John A. Stevenson; which was referred, without being read, to the Committee on Naval Affairs.

Mr. Brooke introduced

A bill to define with more certainty the meaning of an act entitled "An act to fix the duties on articles therein named," approved March 15, 1861;

which was read the first and second times and referred to the Committee on Finance.

Mr. Brooke offered

A resolution in reference to adjourning to the city of Richmond; which was made the special order of the day for Monday next.

Mr. Conrad offered

A resolution to provide for the removal of the seat of government; which was made the special order of the day for Monday next.

Mr. Miles presented the petition and claim of H. Y. Gray, clerk of the court of South Carolina; which was referred, without being read, to the Committee on Claims.

Mr. Withers offered the following resolution, viz:

*Resolved*, That it be referred to the Committee on the Judiciary to inquire and report upon the expediency of a law authorizing and requiring the President of the Confederate States of America to take measures to ascertain what property, moneys, stocks, bonds, or other assets belonging to States, companies, corporations, or individuals bearing the relation of enemies to the Confederate States, exist within their limits and in what custody, to the end that the same may be sequestered and placed in the Treasury to be disposed of to the use of these States and accounted for hereafter as to justice may appertain and may be directed by treaty or by statute;

which was agreed to.

A message was received from the President, through Mr. Josselyn, his Private Secretary; which is as follows, to wit:

MONTGOMERY, ALA., May 18, 1861.

HON. HOWELL COBB,

*President of the Congress:*

I herewith transmit to the Congress the estimate of the Secretary of War for incidental expenses of officers of the Confederate Army assigned to duty among the Indian tribes for the fiscal year ending February 18, 1862. The functions which said officers will be required to perform are generally those of agents of Indian affairs.

JEFF'N DAVIS.

which was referred, with the accompanying document, to the Committee on Finance.

On motion of Mr. Rhett, the ordinances of the several States ratifying the Constitution were referred to the Committee on Constitution.

Mr. Rhett, from the Committee on Foreign Affairs, to whom was referred the resolution concerning the confiscation of certain railroad iron therein mentioned, reported that the committee had had the same under consideration and ask to be discharged from further consideration thereof; which was agreed to.

Mr. Toombs, from the Committee on Finance, to which was referred

A bill making appropriations in addition to those already made for the military service of the Confederate States of America for the fiscal year ending the 18th of February, 1862.

reported the same back without amendments and recommended its passage.

Mr. Withers moved to have the bill printed.

The motion was lost.

Mr. Crawford, from the Committee on Commerce, to which was referred

A resolution in relation to making the city of Houston, in the State of Texas, a port of entry and delivery,

reported the same back and recommended that it do not pass.

The resolution was placed on the Calendar.

Mr. Crawford, from the same committee, to which was referred

A bill to establish a port of entry at Sabine Pass, in the State of Texas, and to provide for the appointment of a collector for the same, reported it back with a recommendation that it do pass.

Congress took up the bill for consideration.

The bill was then engrossed, read a third time, and passed.

Mr. Hale, from the Committee on the Judiciary, reported

A bill to be entitled "An act supplemental to an act to establish the judicial courts of the Confederate States of America;" which was read the first and second times and placed on the Calendar.

Mr. Harris, from the Judiciary Committee, to which was referred

A bill to fix the time for the election for Representatives to Congress and the time for the assembling of the Congress; and also

A bill to provide for the election of President and Vice-President; reported the same back with a recommendation that they do not pass, and reported

A bill to put in operation the Government under the permanent Constitution of the Confederate States of America;

which was taken up and read the first and second times.

Mr. Stephens moved to amend the same by adding thereto the following additional sections. viz:

*Be it further enacted*, That in case the State of Virginia adopt and ratify the Constitution for the permanent Government of the Confederate States of America before the elections in this act provided for, she shall be entitled to [elect] sixteen members to the House of Representatives, and the State of North Carolina in like case ten members, the State of Tennessee in like case eleven members, and the State of Arkansas in like case four members, the same being upon the basis of one member for every ninety thousand representative population, and an additional member for a fraction over one-half of the ratio aforesaid in each of said States, under the census of the United States taken in eighteen hundred and sixty, and being the same basis of representation fixed for the seven original States in said Constitution for permanent government.

*Be it further enacted*, That the same rules and principles shall be observed as to the number of Presidential electors in the States aforesaid as in the other seven original States;

which motion prevailed.

The bill as amended was engrossed, read a third time, and passed.

Mr. Harris, from the Committee on the Judiciary, to which was referred

A bill to prevent the importation of African negroes from any foreign country other than the slaveholding States of the United States, and to punish persons offending therein.

reported the same back with amendments and asked that the amendments be printed; which was agreed to.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill concerning the transportation of soldiers and allowances for clothing of volunteers and amendatory of the act for the establishment and organization of the Army of the Confederate States; which was read the first and second times, engrossed, read a third time, and passed.

Mr. Bartow, from the Committee on Military Affairs, reported

A bill to authorize the President to employ the Army in the border slave States under certain circumstances; which was read the first and second times, engrossed, read a third time, and passed.

The following ordinance was taken up, viz:

*Be it ordained by the Congress of the Confederate States of America, That the second paragraph of the first section of the third article of the Constitution of the Confederate States of America be so amended, in the first line of said paragraph, as to read: "each State shall, until otherwise enacted by law, constitute a district," and in the sixth line, after the word "judge," add "or judges;"*

which was engrossed, read a third time, and passed, the States voting as follows:

Yea: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia.

Congress proceeded to the consideration of

A bill to secure copyrights to authors and composers.

Mr. Perkins moved to lay the bill on the table.

The motion was lost.

The bill was engrossed, read a third time, and passed.

Mr. Staples introduced

A bill to establish the judicial courts of the Confederate States of America in the State of Virginia;

which was read the first and second times and referred to the Committee on the Judiciary.

The Congress proceeded to the consideration of

A bill making appropriations for the legislative and executive expenses of Government for the year ending 18th of February, 1862.

Mr. Withers moved to amend the same by striking out the following words, to wit: "For furniture for Executive Mansion, nine hundred and eighty-seven dollars and fifty cents."

On the question of agreeing to the amendment, Mr. Withers, at the instance of the State of Alabama, demanded the yeas and nays of the entire body; which were recorded as follows:

Alabama—Nay: Messrs. McRae and Shorter.

Arkansas—Nay: Messrs. Johnson, Rust, Garland, and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Nay: Messrs. Toombs, Crawford, Nisbet, Kenan, and Stephens.

Louisiana—Yea: Mr. Marshall. Nay: Messrs. Perkins and Conrad.

Mississippi—Nay: Messrs. Harris, Brooke, Orr, Harrison, and Campbell.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Withers. Nay: Messrs. Chesnut and Miles.

Texas—Nay: Messrs. Wigfall, Waul, and Oldham.

Virginia—Nay: Messrs. Hunter and Rives.

Yea: South Carolina, 1.

Nay: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Texas, and Virginia, 8.

The motion to amend was therefore lost.

The bill was then engrossed, read a third time, and passed.

Congress took up the bill making appropriation to supply deficiencies in the revenue of the Post-Office Department for the year ending the 18th of February, 1862;

which was engrossed, read a third time, and passed.

Congress proceeded to consider

A bill making appropriations in addition to those already made for the military service of the Confederate States of America for the fiscal year ending the 18th of February, 1862;

which was engrossed, read a third time, and passed.

Congress took up

A bill to amend an act to provide for the organization of the Navy, approved March 16, 1861;

which was engrossed, read a third time, and passed; also

A bill amendatory of an act to provide for the organization of the Navy;

which was engrossed, read a third time, and passed.

On motion of Mr. Brooke, Congress proceeded to consider the bill to establish a court of admiralty and maritime jurisdiction in the State of Mississippi for the counties lying on the Mississippi River in said State.

The third section having been read as follows, viz:

SEC. 3. There shall be appointed by the President, by and with the advice and consent of Congress, a judge of said court, for the term prescribed by the Constitution, who shall receive compensation at the rate of two thousand five hundred dollars per annum, payable quarterly. He shall reside at the city of Vicksburg, in said State, and shall hold two regular terms of said court in each year at Vicksburg, the one commencing on the first Monday of May, the other on the first Monday of November, and shall hold extra sessions of the same from time to time at such places in said district as occasion may require, to dispatch the business of said court; and the said court shall be at all times open for the purpose of hearing and determining all cases of admiralty and maritime jurisdiction.

Mr. Brooke moved to amend by striking out the same and inserting in lieu thereof the following, to wit:

The judge of the district of the State of Mississippi shall be the presiding judge of said court and he shall hold two regular terms thereof in each year in the city of Vicksburg, the one commencing on the first Monday in June and the other on the first Monday in December, and he shall hold extra sessions of the same from time to time as occasion may require.

The motion prevailed.

The fourth section provided for a clerk for said court, the last sentence thereof having been in these words, viz: "and they shall also have the same fees for their respective services as in said act are prescribed."

On motion of Mr. Brooke, the same was amended by striking out the word "they" and inserting in lieu thereof the word "he," and by striking out the words "their respective" and inserting in lieu thereof the word "his," and by adding to the end thereof the following words, viz: "and as are prescribed in other acts regulating the fees in admiralty and maritime jurisdiction."



The sentence as amended reads as follows:

and he shall also have the same fees for his services as in said act are prescribed and as are prescribed in other acts regulating the fees in admiralty and maritime jurisdiction.

The fifth section having been read as follows, viz:

SEC. 5. The clerk shall reside and keep the records of the court at the city of Vicksburg, and it shall also be his duty to attend the sittings of said court wherever held, and keep a record of its acts and proceedings, as if held at the regular place of holding the same. The said marshal shall also attend the said court wherever holden, and shall have power to appoint as many deputies as he may deem necessary, for whose official acts he shall be bound as for his own.

Mr. Brooke moved to amend the same by striking out the words "wherever held" and all of the section after the words "acts and proceedings" and insert in lieu thereof the following words, viz:

and shall have the power, in the absence of the judge, to make such orders in vacation, subject to the approval of the court, as may be necessary to the proper transaction of the business of the court, and to issue all process of attachment, libel, and forfeiture as is by law required.

The motion prevailed and the section as amended reads as follows:

The clerk shall reside and keep the records of the court at the city of Vicksburg, and it shall also be his duty to attend the sittings of said court and keep a record of its acts and proceedings, and shall have the power, in the absence of the judge, to make such orders in vacation, subject to the approval of the court, as may be necessary to the proper transaction of the business of the court, and to issue all process of attachment, libel, and forfeiture as is by law required.

The bill as amended was engrossed, read a third time, and passed.

Mr. Perkins introduced

A bill to amend an act relative to telegraph lines of the Confederate States, approved May [11], 1861;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Morton presented a memorial from Robert Gamble, jr.: which was referred, without being read, to the Committee on Naval Affairs.

Mr. Toombs introduced

A bill to provide for certain deficiencies in the appropriations for the Post-Office Department for the year ending February 18, 1862; which was read the first and second times, engrossed, read a third time, and passed.

On motion of Mr. Rhett, Congress proceeded to the resolutions in relation to duties on importations to be levied by the Confederate States and foreign nations, reciprocally;

And pending the discussion thereon,

Congress adjourned until Monday, 11 o'clock.

MONDAY, MAY 20, 1861.

OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Dr. Basil Manly.

Mr. Shorter gave notice that at the instance of the State of Alabama he would move to reconsider the bill to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs.

Mr. Rhett offered the following resolution; which was agreed to, viz:

*Resolved*, That the ordinances of the States constituting the Confederacy ratifying and adopting the permanent Constitution of the Confederate States shall be recorded and filed away in the State Department.

Congress then went into secret session; and after remaining some time therein, adjourned until 11 o'clock to-morrow.

SECRET SESSION.

Congress being in secret session.

Mr. Stephens moved that an additional member be added to the Committee on Territories.

The motion prevailed, and the Chair appointed Mr. Thomason of Arkansas on the Committee on Territories.

On motion of Mr. Toombs, the special order of the day was postponed.

Mr. Shorter offered the following resolution; which was agreed to, viz:

*Resolved*, That the Secretary of Congress be authorized to employ such additional clerical force as may be necessary to dispatch the business of his office during the remainder of the session, at six dollars per day each.

Mr. Toombs, from the Committee on Finance, reported

A bill to provide for the expenses of the public service within the Indian tribes;

which was read the first and second times, engrossed, read a third time, and passed; also

A bill to increase the clerical force of the Bureau of Second Auditor of the Treasury Department;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Toombs, from the Committee on Finance, to which had been referred

A bill to define with more certainty the meaning of an act entitled "An act to fix the duties on articles therein named," approved March 15, 1861,

reported the same back with a recommendation that it do pass.

The bill was taken up, engrossed, read a third time, and passed.

Mr. Toombs, from the Committee on Finance, reported

A bill to prohibit the exportation of cotton from the Confederate States, except through the seaports of said States, and to punish persons offending therein;

which was read the first and second times.

Mr. Sparrow moved to postpone the consideration of the bill until to-morrow;

and the vote thereon, being taken by States, is as follows, viz:

Yea: Florida and Louisiana.

Nay: Alabama, Arkansas, Georgia, Mississippi, South Carolina, and Virginia.

Texas divided.

The motion was lost.

The first section declaring

That from and after the first day of June next, it shall not be lawful for any person to export any raw cotton or cotton yarn from said States except through the seaports of said States.

Mr. Chilton moved to amend the same by inserting after the word "person" the words "or corporation."

The motion was lost.

Mr. Toombs moved to amend the same by striking out the word "first" and inserting in lieu thereof the word "fifteenth."

The motion was lost.

The second section being as follows, viz:

If any person shall violate or attempt to violate or evade the provisions of the foregoing section, he shall forfeit all the cotton or cotton yarn thus attempted to be illegally exported for the use of the Confederate States, and in addition thereto he shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding five thousand dollars or be imprisoned in some public jail or penitentiary for a period not exceeding six months, etc.

Mr. Wigfall moved to amend the same by striking out the words "five thousand dollars" and inserting in lieu thereof the words "one hundred dollars per bale."

The motion was lost.

On motion of Mr. Hemphill, the bill was amended by adding to the end of the last section the following words, viz:

But nothing in this act shall be so construed as to prohibit the exportation of cotton to Mexico through its coterminous frontier.

The bill as amended was engrossed, read a third time, and passed.

Mr. Toombs, from the Committee on Finance, to which had been referred

A bill to exempt from duty certain cars purchased by the New Orleans and Carrollton Railroad Company and the New Orleans City Railroad Company, reported adversely to the passage of the same, recommended that the bill lie on the table and that the committee be discharged from the further consideration thereof.

The report was agreed to.

Mr. Toombs, from the same committee, to which had been referred the communication of the Secretary of War to said committee relative to the purchase of books of tactical instruction for the use of the Army, reported adversely to the same, asked that it lie on the table and the committee be discharged from its further consideration.

The report was agreed to.

Mr. Hale, from the Committee on the Judiciary, to which had been referred

A bill to establish the judicial courts of the Confederate States of America in the State of Virginia, reported the same back with an amendment and recommended its passage.

The bill was taken up, and Mr. Hale, from the Committee on the Judiciary, moved to amend the same by enacting that the State of Arkansas shall constitute two judicial districts, designating the territorial boundaries and names thereof and giving the President power to appoint a judge, marshals, and attorneys therefor, etc.

The amendment was agreed to.

The bill as amended was passed.

The title thereof was amended so as to read as follows, viz:

A bill to establish the judicial courts of the Confederate States of America in the States of Virginia and Arkansas.

Mr. Conrad, from the Committee on Naval Affairs, to which was referred the report of the Committee on Military Affairs on the proposition for the sale to the Confederate States of the Bellville Iron Works, near New Orleans, reported the same back, asked that the report and accompanying papers lie on the table, and that the committee be discharged from further consideration of the same.

The report was agreed to.

Mr. Conrad, from the same committee, to which was referred

A bill to amend an act entitled "An act recognizing the existence of war between the United States and the Confederate States; and concerning letters of marque, prizes, and prize goods,"

reported the same back with a recommendation that it do pass.

The bill was taken up, engrossed, read a third time, and passed.

Mr. Kenan, from the Committee on Military Affairs, reported

A bill to authorize the President to confer temporary rank and command for service with volunteer troops on officers of the Confederate Army;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Miles, from the Committee on Military Affairs, reported

A bill to amend an act to raise an additional military force to serve during the war;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Cobb, from the Committee on Printing, reported

A bill to prescribe the mode of publishing the laws and treaties of the Confederate States;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Toombs, from the Committee on Finance, to whom was referred the memorial of the Pensacola and Georgia Railroad Company concerning the duties due by them upon the importation of a quantity of railroad iron, reported:

That there seemed to be a question whether said duties are due and payable to the State of Florida or to the Confederate States, but, it being purely a judicial question, recommended that it be determined by the proper tribunals.

The committee further recommended that if the railroad company should pay the amount due into the Treasury of the Confederate States that it should be allowed a credit thereon to the amount due by the Confederate States to said company for transportation of troops and other commodities.

The report was agreed to.

Mr. Chilton submitted the following report, viz:

The committee appointed under the resolution of Congress of the 12th March, 1861, providing for a digest of the laws, beg leave to report that as soon after the adjournment of the last session of the Congress as they could procure suitable apartments and appliances to enable them to discharge the duties assigned them, they entered upon their labors of digesting the laws, but the time allowed them has not been sufficient to enable them to complete the work.

Your committee beg leave to state that in their attempts to systematize the laws, and to place under appropriate heads all the statutes relating to such heads, they have often found it a highly delicate and difficult task to determine how much of the old law remains in force, how much of it is applicable to the present condition of this Government, and what modifications and changes are required to make our system harmonious.

As the committee took it for granted that the Congress desired a digest which should embody accurately all the laws in force, gotten up upon the most approved and convenient plan, they have spared no pains in procuring the necessary means to



enable them to prepare such a work, containing marginal references showing the substance of the text, and the respective dates when the statutes were passed, as also the pages of the Statutes at Large of the United States where the law may be found, together with references in the form of notes to the opinions of Attorney-Generals, and to judicial decisions construing statutes of doubtful meaning. To enable them to comply with what they supposed to be the desire of Congress, they have procured a copy of the Statutes at Large, several copies of Brightly's Digest, and the Decisions of the Supreme Court of the United States, with other works deemed of importance as furnishing aids in the discharge of their duties. These books are contained in a schedule annexed to this report marked "A," and are carefully preserved for the use of Congress in the rooms of the committee at the Madison House, where the members can consult them.

The committee further report that all the expense needful to the preparation of the work as provided for under the resolution, in the way of books, stationery, room rent, and furniture has already been incurred, and a considerable portion of the labor required to complete the work has been performed.

They herewith lay before the Congress, for the inspection and suggestions of its members, various heads of the law digested by the committee, and at a proper time, if desired, they will submit a report "of such changes and modifications as they would recommend for the adoption of Congress." All which is respectfully submitted.

### Congress took up

A resolution rescinding the resolution providing for a digest of laws, approved March 12, 1861, and fixing the pay of the commissioners appointed under said resolution to perform said duty, etc.;

which was engrossed, read a third time, and agreed to.

Mr. Cobb introduced

A bill to prescribe the salary of the Private Secretary of the President of the Confederate States;

which was read the first and second times.

Mr. Barnwell moved to refer the same to the Committee on Finance; and the vote thereon, being taken by States, is as follows, to wit:

Yea: Alabama, Florida, Louisiana, Mississippi, and South Carolina.

Nay: Georgia, Texas, and Virginia.

The motion prevailed.

Mr. Waul introduced

A bill to divide the State of Texas into two judicial districts and provide for judges and officers of the same;

which was read the first and second times and referred to the Committee on the Judiciary.

Congress proceeded to the consideration of the unfinished business of the day before, which was the resolutions relating to duties and importations to be levied by the Confederate States and foreign nations, respectively [reciprocally].

The first resolution having been read as follows, viz:

*Resolved*, That the duties on importations to be levied by the Confederate States and foreign nations, reciprocally, is a proper matter for negotiation and treaty stipulation, and that it is the sense of Congress that such negotiation and stipulation should be based upon a maximum of duties not higher than twenty per cent ad valorem on all articles of manufacture or production, etc.

Mr. Cobb moved to amend the same by inserting after the words "negotiation and stipulation" the words "shall not extend beyond five years, and."

The vote thereon, having been taken by States, is as follows, viz:

Yea: Alabama, Florida, Georgia, Mississippi, and Virginia.

Nay: Arkansas, Louisiana, South Carolina, and Texas.

The motion prevailed.

On motion of Mr. Rhett, the resolutions were laid on the table.

Congress proceeded to the consideration of the special order of the day, which was a resolution adjourning Congress on Tuesday, the 21st instant, to meet again upon the call of the President at such time and place as he might by proclamation designate.

Mr. Rhett demanded the question on agreeing to the resolution; which was seconded, and, at the instance of the State of Georgia, the yeas and nays of the entire body thereon were ordered to be recorded, and are as follows:

Alabama—Yea: Messrs. Walker, Hale, McRae, Shorter, and Jones. Nay: Messrs. Smith and Curry.

Arkansas—Nay: Messrs. Rust, Garland, Watkins, and Thomason.

Florida—Yea: Mr. Ward. Nay: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Nisbet and Wright. Nay: Messrs. Toombs, Crawford, Kenan, and Stephens.

Louisiana—Yea: Messrs. Sparrow and Marshall. Nay: Messrs. Conrad and Kenner.

Mississippi—Yea: Mr. Harrison. Nay: Messrs. Brooke, Orr, and Campbell.

South Carolina—Yea: Messrs. Barnwell and Chesnut. Nay: Mr. Memminger.

Texas—Yea: Messrs. Gregg and Ochiltree. Nay: Messrs. Wigfall, Hemphill, Waul, and Oldham.

Virginia—Nay: Messrs. Hunter, Brockenbrough, and Staples.

Yea: Alabama and South Carolina, 2.

Nay: Arkansas, Florida, Georgia, Mississippi, Texas, and Virginia, 6.

Divided: Louisiana, 1.

The resolution was not agreed to.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A bill to authorize the President to employ the Army in the border slave States under certain circumstances;

A bill to admit the State of Arkansas into the Confederacy;

A bill for the protection of certain Indian tribes;

A bill amendatory of an act to provide for the organization of the Navy; and

A bill to amend an act to provide for the organization of the Navy, approved March 16, 1861.

Mr. Hemphill, from the Committee to Digest the Laws, etc., presented certain accounts for expenses for clerks, etc.: which were referred to the Committee on Accounts.

A communication was received from the President, submitting certain resolutions of the board of mayor and aldermen of the city of Memphis, inviting Congress to hold its next session in that city; which were laid on the table for the present.

Congress proceeded to the consideration of the resolution to provide for the removal of the seat of government.

The first resolution having been read as follows, viz:

*Resolved*, That this body will adjourn on Tuesday next, to meet again on the day of next, at Richmond, Virginia, or at such other place in Virginia or North Carolina as the President may hereafter designate; and that a committee of three members of this House be appointed to make suitable arrangements for the accommodation of this body, and of the several Executive Departments.

Mr. Curry moved to amend the same by striking out the words "in Virginia or North Carolina."

Mr. Harris demanded the question; which was seconded, and the motion prevailed.

Mr. Memminger moved to amend the same by striking out the following words, to wit: "or at such other place as the President may hereafter designate."

The motion prevailed.

The second resolution having been read as follows, viz:

*Resolved*, That the President be, and he is hereby, authorized to cause the several Executive Departments, with the archives thereof, to be removed at such time between this and the day of next to Richmond or to such other place as he may designate, determined on in pursuance of the foregoing section as the seat of government.

Mr. Memminger moved to amend the same by striking out the words

or to such other place as he may designate, determined on in pursuance of the foregoing section as the seat of government,

And to insert in lieu thereof the following words, to wit:

*Provided, however*, That in case of any public emergency which may in the judgment of the President render it impolitic to meet in Richmond, the President shall have power by proclamation to call Congress together at some other convenient place to be selected by him.

The motion prevailed.

Mr. Harris moved to amend the resolution by filling the blanks with the words "twentieth" and "July," and the vote thereon, having been taken by States, is as follows, viz:

Yea: Alabama, Florida, Louisiana, South Carolina, and Virginia.

Nay: Arkansas, Georgia, Mississippi, and Texas.

The motion prevailed.

The resolution as amended was engrossed, read a third time, and on the question of agreeing thereto Mr. Sparrow demanded the question; which was seconded, and, at the instance of the State of Louisiana, the yeas and nays of the entire body were ordered to be recorded, and are as follows, viz:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Rust, Garland, and Thomason.

Florida—Yea: Mr. Morton. Nay: Messrs. Ward and Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Crawford, Wright, and Kenan. Nay: Messrs. Nisbet, T. R. Cobb, and Stephens.

Louisiana—Yea: Messrs. Conrad and Kenner. Nay: Messrs. Sparrow and Marshall.

Mississippi—Yea: Mr. Brooke. Nay: Messrs. Harris, Harrison, and Campbell.

South Carolina—Nay: Messrs. Barnwell, Chesnut, and Memminger.

Texas—Yea: Messrs. Wigfall, Hemphill, Waul, and Oldham. Nay: Messrs. Gregg and Ochiltree.

Virginia—Yea: Messrs. Hunter, Rives, Brockenbrough, and Staples.

Yea: Arkansas, Georgia, Texas, and Virginia, 4.

Nay: Alabama, Florida, Mississippi, and South Carolina, 4.

Divided: Louisiana, 1.

The resolution was not agreed to.

Mr. Cobb offered the following resolution, viz:

*Resolved*, That each member of this Congress be, and he is hereby, requested to bring before his constituents the loans authorized by law, and to use his efforts to procure subscriptions in money or produce to the same.

The resolution was agreed to.

A message was received from the President, through his Private Secretary, Mr. Josselyn, that he had approved and signed

An act to authorize the extension of the mail service of the Confederate States in certain cases and upon certain conditions;

An act to admit the State of Arkansas into the Confederacy; and

An act amendatory of an act to provide for the organization of the Navy.

Mr. Cobb introduced

A bill to authorize certain debtors to pay the amounts due by them into the Treasury of the Confederate States;  
which was read the first and second times and referred to the Committee on Finance.

Mr. Hemphill introduced

A bill to allow a sum of money to each member of Congress for postage expenses;  
which was read the first and second times and referred to the Committee on Finance.

Mr. Shorter offered the following resolution, viz:

That the Secretary of the Treasury be authorized to pay, out of the contingent fund of the Treasury Department, all accounts contracted for work done or furniture provided for the use of the Executive office or in the Executive buildings not properly chargeable to the contingent fund of either of the other Departments;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Miles, at the instance of the State of South Carolina, moved to reconsider the vote on agreeing to the resolution to provide for the removal of the seat of government.

Mr. Harris demanded the question; which was seconded, and Mr. Miles, at the instance of the State of South Carolina, demanded the yeas and nays of the entire body thereon to be spread on the Journal, and they are as follows, viz:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Rust, Garland, Watkins, and Thomason.

Florida—Yea: Messrs. Morton and Ward. Nay: Mr. Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Wright, T. R. R. Cobb, and Keman. Nay: Mr. Nisbet.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Sparrow and Marshall.

Mississippi—Yea: Mr. Brooke. Nay: Messrs. Harris, Harrison, and Campbell.

South Carolina—Yea: Messrs. Barnwell, Chesnut, and Memminger.

Texas—Yea: Messrs. Wigfall, Hemphill, Waul, and Oldham. Nay: Messrs. Gregg and Ochiltree.

Virginia—Yea: Messrs. Hunter, Rives, Brockenbrough, and Staples.

Yea: Arkansas, Florida, Georgia, Louisiana, Texas, and Virginia, 6.

Nay: Alabama, Mississippi, and South Carolina, 3.

The motion prevailed.

Mr. Chilton moved to postpone the consideration of the resolution until to-morrow.

Mr. Kenner demanded the question; which was seconded, and the motion was lost.



Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A bill to establish a separate port of entry at Sabine Pass, in the county of Jefferson, in the State of Texas, and to provide for the appointment of a collector therein; and

A bill to put in operation the permanent Constitution of the Confederate States of America.

Mr. Chilton moved to adjourn.

Mr. Kenner demanded the question.

The question was seconded, and the motion was lost.

The question recurring on agreeing to the resolution,

Mr. Ochiltree, at the instance of the State of Texas, demanded the yeas and nays of the entire body thereon to be spread on the Journal, and they are as follows, viz:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Rust, Garland, Watkins, and Thomason.

Florida—Yea: Mr. Morton. Nay: Messrs. Ward and Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Wright, and Kenan.

Nay: Messrs. Nisbet and T. R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Sparrow and Marshall.

Mississippi—Yea: Mr. Brooke. Nay: Messrs. Harris, Harrison, and Campbell.

South Carolina—Nay: Messrs. Barnwell, Chesnut, and Memminger.

Texas—Yea: Messrs. Wigfall, Hemphill, Waul, and Oldham. Nay: Messrs. Gregg and Ochiltree.

Virginia—Yea: Messrs. Hunter, Rives, Brockenbrough, and Staples.

Yea: Arkansas, Georgia, Louisiana, Texas, and Virginia, 5.

Nay: Alabama, Florida, Mississippi, and South Carolina, 4.

The resolution was agreed to.

Congress adjourned until to-morrow morning, 11 o'clock.

## TUESDAY, MAY 21, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment.

Prayer was offered by the Rev. Mr. Mitchell.

There being no business on the Public Calendar, Congress went into secret session; and after remaining some time therein, adjourned until the 20th day of July next.

### SECRET SESSION.

Congress having resolved itself in secret session,

Mr. Chilton presented a memorial from Elizabeth Meon; which, without being read, was referred to the Committee on Claims.

Mr. Toombs, from the Committee on Finance, to which was referred the bill relative to the pay of members of Congress for postage, reported adversely to the same and recommended that the bill lie on the table and that the committee be discharged from the further consideration of the same.

The report was agreed to.

Mr. Toombs, from the same committee, to whom was referred

A bill to authorize certain debtors to pay the amounts due by them into the Treasury of the Confederate States, reported the same back without amendment and recommended its passage.

The bill was engrossed, read a third time, and passed.

Mr. Toombs, from the same committee, to whom was referred

A bill to prescribe the salary of the Private Secretary of the President of the Confederate States, reported the same back without amendment and recommended its passage.

Congress considered the same and the said bill was engrossed, read a third time, and passed.

Mr. Toombs, from the same committee, to which was referred certain claims, reported the same back, recommended that they lie on the table, and that the committee be discharged from the further consideration of the same.

The report was agreed to.

Congress then proceeded to the consideration of

A bill making appropriations for the support of the Navy for the year ending 18th February, 1862.

The bill was engrossed, read a third time, and passed.

Mr. Oldham, from the Committee on the Judiciary, to which was referred

A bill to divide the State of Texas into two judicial districts and provide for judges and officers of the same.

The section of the bill being as follows:

*The Congress of the Confederate States do enact*, That the State of Texas be, and the same is hereby, divided into two judicial districts in the following manner, to wit: All the territory of the State of Texas embraced in the counties of Newton, Jasper, Jefferson, Orange, Tyler, Polk, Liberty, Galveston, Harris, Montgomery, Austin, Fort Bend, Brazoria, Colorado, Wharton, Matagorda, Lavaca, Jackson, Calhoun, Dewitt, Victoria, Goliad, Refugio, San Patricio, Nueces, Cameron, Starr, Webb, and Hidalgo, as they existed in eighteen hundred and fifty-two, shall compose one district, to be called the eastern district of Texas, and all the remaining part of the territory of said State shall compose another district, to be called the western district of Texas.

The committee reported as a substitute therefor the following:

That the State of Texas be, and the same is hereby, divided into two judicial districts in the following manner, to wit: All the territory of the State of Texas within and west of the following-named counties shall compose one district, to be called the western district, to wit, Matagorda, Wharton, Colorado, Fayette, Washington, Burleson, Milam, Falls, McLellan [McLennan], Hill, Johnson, Tarrant, Wise, Montague, and all the territory east of said counties shall constitute the eastern district of Texas.

SEC. 2. There shall be appointed a judge and marshal for said western district. The said judge shall hold two terms each year of said court at the city of Austin and at Brownsville, in the county of Cameron, at the times prescribed by the laws of the United States for the holding of the district courts of the United States at said places.

SEC. 3. All the laws of the United States relative to the district courts of Texas and the powers and jurisdiction of the same, so far as they are consistent with the Constitution and laws of the Confederate States, are hereby reenacted and continued in full force.

Mr. Gregg, from the Committee on Claims, made a report relative to the payment of certain claims against the Confederate States; which was referred to the Attorney-General.

Congress proceeded to the consideration of

A bill to transfer the testimony taken by commission in certain suits

therein named brought in the circuit and district courts of the United States of America to the States of the Confederate States, and to authorize the same to be read in said State courts; which was engrossed, read a third time, and passed.

Mr. Chilton offered the following resolution; which was agreed to, viz:

*Resolved*, That the amounts of expenses incurred by the committee appointed to digest the laws, as reported by the Committee on Claims this day, be paid out of the contingent funds of Congress.

Mr. Miles offered the following resolution; which was agreed to, viz:

*Resolved*, That the amount of ninety dollars be paid out of the contingent fund of the House to Alexander B. Clitherall for defraying the cost of the flag ordered by the Flag Committee, together with the cost of the flagstaff, halyards, freight, etc.

Mr. Toombs, from the Committee on Finance, reported

A bill to provide for the pay of additional officers, noncommissioned officers, musicians, and privates of the Marine Corps, to constitute a regiment, and for the additional clothing and subsistence of the non-commissioned officers, musicians, and privates for the year ending February 18, 1862;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A bill to divide the State of Texas into two judicial districts and provide for the appointment of judges and officers in the same;

A bill for the protection of certain Indian tribes;

A resolution in relation to certain accounts;

A bill to provide for the incidental expenses of the public service within the Indian tribes;

A bill to authorize the President to confer temporary rank and command for service with volunteer troops on officers of the Confederate Army;

A bill to amend an act to raise an additional military force to serve during the war;

A bill concerning the transportation of soldiers and allowance for clothing of volunteers and amendatory of the act for the establishment and organization of the Army of the Confederate States;

A bill to provide for certain deficiencies in the appropriations for the Post-Office Department for the year ending February 18, 1862;

A bill making appropriations for the legislative and executive expenses of Government for the year ending 18th February, 1862;

A bill relative to telegraph lines of the Confederate States, approved May—, 1861.

A bill making appropriations in addition to those already made for the military service of the Confederate States of America for the fiscal year ending the 18th day of February, 1862;

A bill to provide revenue from commodities imported from foreign countries;

An act to define with more certainty the meaning of an act entitled "An act to fix the duties on articles therein named," approved March 15, 1861;

An act to establish a court of admiralty and maritime jurisdiction in the State of Mississippi for the counties lying on the Mississippi River in said State; and

An act to amend an act relative to telegraph lines of the Confederate States, approved May [11], 1861.

Mr. Rust introduced

A bill to provide for the cession on the part of the State of Arkansas of the arsenal at Little Rock and Fort Smith at the city of Fort Smith, in the State of Arkansas, to the Confederate States of America, and the acceptance of the same by said Confederate States; which was read the first and second times, engrossed, read a third time, and passed.

Mr. Benjamin delivered a verbal message from the President in reference to prisoners of war; which was referred to the Committee on the Judiciary.

Mr. Toombs, from the Committee on Finance, reported

A bill to provide for the pay of the officers who have resigned from the United States Navy, and whom it is proposed to add to the Confederate States Navy; which was read the first and second times.

Mr. Conrad moved to amend the same by adding thereto the following words, viz:

To pay Captains Lawrence Rousseau, Josiah Tattnall, Victor M. Randolph, and Duncan N. Ingraham and Commander Raphael Semmes certain traveling expenses, as per resolution of March fifteenth, eighteen hundred and sixty-one, five hundred and ninety-three dollars.

The motion prevailed.

The bill as amended was engrossed, read a third time, and passed.

A message was received from the President, through his Private Secretary, Mr. Josselyn, that he had approved and signed

An act to amend an act to provide for the organization of the Navy, approved March 16, 1861;

An act to establish a separate port of entry at Sabine Pass, in the county of Jefferson, in the State of Texas, and to provide for the appointment of a collector therein; and

An act to put in operation the Government under the permanent Constitution of the Confederate States of America.

Mr. Hale, from the Committee on the Judiciary, to which was referred the communication made by the President through Mr. Benjamin, reported

A bill relative to prisoners of war; which was read the first and second times, engrossed, read a third time, and passed.

On motion of Mr. Hale, Congress proceeded to the consideration of

A bill supplemental to an act to establish the judicial courts of the Confederate States of America; which was engrossed, read a third time, and passed.

Mr. Toombs, from the Committee on Finance, reported

A bill to make temporary disposition of certain railroad iron; which was read the first and second times, engrossed, read a third time, and passed.

On motion of Mr. Stephens,

Congress took a recess until 4.30 o'clock p. m.



4.30 O'CLOCK P. M.

On motion of Mr. Ward, the injunction of secrecy was removed from the memorial from the president of the Florida Railroad Company and the report of the Committee on Finance thereon relative to duty on certain iron.

Mr. Hemphill introduced

A bill for the publication of the laws;  
which was read a first and second time, engrossed, read a third time, and passed.

Mr. Sparrow offered the following resolution; which was agreed to, viz:

*Resolved*, That the injunction of secrecy on the proceeding of Congress on the consideration and passage of the bill removing the seat of government from Montgomery, Alabama, to Richmond, Virginia, be so far removed as to authorize each member to make public his own action and vote on said bill.

Mr. Miles offered

A resolution in reference to the printing of the tariff act and other documents connected therewith;  
which was read a first and second time, engrossed, read a third time, and agreed to.

Mr. Hale offered

A resolution regulating the payment of unadjusted accounts;  
which was read a first and second time, engrossed, read a third time, and agreed to.

The following message was received from the President:

*To the Congress.*

GENTLEMEN: I have the honor to return to you, without approval, the act entitled "An act to establish a court of admiralty and maritime jurisdiction in the State of Mississippi for the counties lying on the Mississippi River in said State."

Although I am unable to perceive the advantage of an additional court in Mississippi as provided [by] the bill, this would not constitute a sufficient reason for withholding my approval. But the bill goes further. It creates a jurisdiction for a certain portion of the bank of the Mississippi River entirely different from that which exists above, below, and on the opposite bank of the river. This can not but lead to conflict of jurisdiction, embarrassment, and confusion, and I can not perceive the necessity for so exceptional a measure.

I therefore return it to the Congress with my objections.

JEFFERSON DAVIS.

Congress proceeded to reconsider the bill; and on the question,  
Shall the bill pass?

The same was decided in the negative and the bill was lost.

Mr. Hemphill introduced

A bill relative to the Library of Congress;  
which was read the first and second times, engrossed, read a third time, and passed.

Mr. Hemphill also introduced

A bill for the relief of the district attorneys of the Confederate States in the field;  
which was read the first and second times, engrossed, read a third time, and passed.

Mr. Chilton offered

A resolution in reference to a Congressional seal;  
which was referred to the Committee on Flag and Seal.

Mr. Oldham introduced

A bill assigning the judge, district attorney, and marshal of the district of Texas to the eastern district of said State; which was read a first and second time, engrossed, read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to prescribe the mode of publishing the laws and treaties of the Confederate States;

An act to establish the judicial courts of the Confederate States of America in the State of Virginia;

An act to prescribe the salary of the Private Secretary of the President of the Confederate States;

An ordinance of the convention of the Congress of the Confederate States;

An act to amend an act entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods," approved May [6], 1861;

An act to provide for the pay of additional officers, noncommissioned officers, musicians, and privates of the Marine Corps, to constitute a regiment, and for the additional clothing and subsistence of the non-commissioned officers, musicians, and privates for the year ending February 18, 1861 [1862];

An act to increase the clerical force of the Treasury Department in the Bureau of Second Auditor;

A resolution rescinding the resolution providing for a digest of laws, approved March 12, 1861;

A resolution in relation to the clerical department of Congress;

An act to authorize certain debtors to pay the amounts due by them into the Treasury of the Confederate States;

A resolution to provide for the removal of the seat of government;

An act to transfer the testimony taken by commission in certain suits therein named brought in the circuit and district courts of the United States of America to the State courts of the Confederate States, and to authorize the same to be read in said courts;

An act to prohibit the exportation of cotton from the Confederate States, except through the seaports of said States, and to punish persons offending therein;

An act to provide for the cession on the part of the State of Arkansas of the arsenal at Little Rock and of Fort Smith at the city of Fort Smith, in the State of Arkansas, to the Confederate States of America, and the acceptance of the same by the Confederate States;

An act to make temporary disposition of certain railroad iron;

An act to provide for the pay of the officers who have resigned from the United States Navy, and whom it is proposed to add to the Confederate States Navy;

An act making appropriations for the support of the Navy for the year ending 18th February, 1862;

An act supplemental to an act to establish the judicial courts of the Confederate States;

An act relative to prisoners of war;

An act for the publication of the laws;

A resolution in reference to the printing of the tariff act and other documents connected therewith;

A resolution regulating the payment of unadjusted accounts;

An act relative to the Library of Congress;

An act for the relief of district attorneys of the Confederate States in the field;

An act to secure copyrights to authors and composers; and

An act assigning the judge, district attorney, and marshal for the district of Texas to the eastern district of said State.

Mr. Memminger, Secretary of the Treasury, submitted estimates of expenses of removing the seat of government to Richmond, Va.; which, on motion of Mr. Stephens, were referred to the Committee on Finance.

The following message was received from the President:

EXECUTIVE DEPARTMENT, *May 21, 1861.*

*Mr. President:* The President has this day approved and signed

An act to amend an act relative to telegraph lines of the Confederate States, approved May 11th, 1861;

An act to provide for certain deficiencies in the appropriations for the Post-Office Department for the year ending February 18, 1862;

An act to amend an act to raise an additional military force to serve during the war;

An act to authorize the President to confer temporary rank and command for service with volunteer troops on officers of the Confederate Army;

An act making appropriations for the legislative and executive expenses of Government for the year ending 18th February, 1862;

An act for the protection of certain Indian tribes;

An act making appropriations in addition to those already made for the military service of the Confederate States of America for the fiscal year ending the 18th day of February, 1862;

An act to provide revenue from commodities imported from foreign countries;

An act to define with more certainty the meaning of an act entitled "An act to fix the duties on articles therein named," approved March 15, 1861;

An act to provide for the incidental expenses of the public service within the Indian tribes;

An act to divide the State of Texas into two judicial districts and provide for the appointment of judges and officers in the same; and

A resolution in relation to certain accounts.

ROBERT JOSSELYN,  
*Private Secretary.*

Also the following:

EXECUTIVE DEPARTMENT, *May 21, 1861.*

*Mr. President:* The President has this day approved and signed

An act to authorize certain debtors to pay the amounts due by them into the Treasury of the Confederate States;

A resolution in regard to the clerical department of Congress;

An act to provide for the pay of additional officers, noncommissioned officers, musicians, and privates of the Marine Corps, to constitute a regiment, and for the additional clothing and subsistence of the noncommissioned officers, musicians, and privates for the year ending February the 18th, 1862;

A resolution rescinding the resolution providing for a digest of laws, approved March 12, 1861;

An act to prescribe the mode of publishing the laws and treaties of the Confederate States;

An act to prescribe the salary of the Private Secretary of the President of the Confederate States;

An act to increase the clerical force of the Treasury Department in the Bureau of Second Auditor;

An act supplemental to an act to establish the judicial courts of the Confederate States of America;

An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs;

An act to provide for the pay of the officers who have resigned from the United States Navy, and whom it is proposed to add to the Confederate States Navy;

An act to make temporary disposition of certain railroad iron;

An act to establish the judicial courts of the Confederate States of America in the State of Virginia;

An ordinance of the convention of the Congress of the Confederate States;

An act to amend an act entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods," approved May [6], 1861;

An act to provide for the cession on the part of the State of Arkansas of the arsenal at Little Rock and of Fort Smith at the city of Fort Smith, in the State of Arkansas, to the Confederate States of America, and the acceptance of the same by the said Confederate States;

An act to prohibit the exportation of cotton from the Confederate States, except through the seaports of said States, and to punish persons offending therein;

A resolution to provide for the removal of the seat of government;

An act making appropriations for the support of the Navy for the year ending 18th February, 1862;

A resolution in reference to printing the tariff act and other documents connected therewith;

An act to transfer the testimony taken by commission in certain suits therein named brought in the circuit and district courts of the United States of America to the State courts of the Confederate States, and to authorize the same to be read in said State courts;

An act concerning the transportation of soldiers and allowance for clothing of volunteers and amendatory of the act for the establishment and organization of the Army of the Confederate States;

An act for the publication of the laws;

An act relative to prisoners of war;

An act relative to the Library of Congress;

An act for the relief of district attorneys of the Confederate States in the field;

A resolution regulating the payment of unadjusted accounts;

An act assigning the judge, district attorney, and marshal for the district of Texas to the eastern district of said State; and

An act to secure copyrights to authors and composers.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Toombs, from the Committee on Finance, to which were referred the estimates of the Secretary of the Treasury relative to the removal of the seat of government, reported

A bill making appropriation to defray the expenses of removing the seat of government to Richmond, Va.;

which was read the first and second times, engrossed, read a third time, and passed.

Mr. Memminger offered the following resolution, viz:

That the Secretary of the Treasury take measures for selling the unexpired lease of the President's house and of the buildings used for the Departments or for being relieved from any portion of the rent as soon as the seat of government shall have been removed; and that he cause all furniture no longer wanted to be sold.

The resolution was read the first and second times, engrossed, read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A bill making appropriation to defray the expenses of removing the seat of government to Richmond, Va.; and

A resolution conferring certain powers on the Secretary of Treasury in reference to selling unexpired lease of the President's house, etc.

A message was also received from the President, through Mr. Josselyn, his Private Secretary, that he had approved and signed

An act making appropriation to defray the expenses of removing the seat of government to Richmond, Va.; and



A resolution conferring certain powers on the Secretary of the Treasury in reference to selling the unexpired lease of the President's house, etc.

Mr. Wigfall offered the following resolution, to wit:

*Resolved*, That the thanks of this Congress are due, and are hereby tendered, to the Honorable Howell Cobb, President of the body, for the ability, courtesy, and impartiality with which he has presided over our deliberations.

The resolution was unanimously agreed to.

Mr. Maul offered a resolution, viz:

That the President of the Congress be directed to tender to the authorities of the State of Alabama the thanks of this body for the use of the Capitol building in which its deliberations have been held, and also to the people of Montgomery for the uniform kindness and hospitality which they have extended to the members of the Congress.

The resolution was agreed to.

Mr. Shorter moved that a committee of three be appointed to wait on the President and inform him that Congress, having finished the business before it, was ready to adjourn unless he had some further communication to make to the body.

The motion prevailed,

And the Chair appointed Messrs. Shorter, Conrad, and Ochiltree as said committee.

The committee retired and again appeared and reported, through Mr. Shorter, that the committee had discharged the duty assigned it and that the President had authorized them to say that he had no further communication to make.

Mr. Maul moved that the Congress do now adjourn; which motion prevailed;

When,

Mr. Cobb rose and expressed his gratification and pleasure at the renewal of the kindness of the body expressed in the resolution just adopted, and, returning his thanks, declared that Congress was adjourned until the 20th day of July next.

#### EXECUTIVE SESSION.

The Congress having gone into executive session, the following communications were received from the President:

*To the President of the Congress of the Confederate States:*

I nominate John W. Nixon, of Louisiana, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

George W. Clarke, of Arkansas, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

JEFFERSON DAVIS.

The following communication was also received from the President:

*To the President of the Congress of the Confederate States:*

I nominate George T. Sinclair, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of [the] Confederate States.

James D. Johnston, of Kentucky, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John N. Maffitt, of North Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Washington Gwathmey, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Joel S. Kennard, of Alabama, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Charles W. Hays, of Alabama, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Julian Myers, of Georgia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Jonathan H. Carter, of North Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

J. Pembroke Jones, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John M. Brooke, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William T. Glassell, of Alabama, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John W. Dunnington, of Kentucky, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William L. Bradford, of Alabama, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

JEFFERSON DAVIS.

The following communication was also received from the President:

*To the President of the Congress of the Confederate States:*

I nominate Richard T. Allison, of Maryland, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

Samuel Z. Gonzales, of Florida, to be a quartermaster of the Marine Corps of the Confederate States.

Jacob Read, of Georgia, late a first lieutenant in the Marine Corps of the United States, to be a captain in the Marine Corps of the Confederate States.

John R. F. Tattnall, of Georgia, late a first lieutenant in the Marine Corps of the United States, to be a captain in the Marine Corps of the Confederate States.

Andrew J. Hays, of Alabama, late a first lieutenant in the Marine Corps of the United States, to be a captain in the Marine Corps of the Confederate States.

Reuben T. Thom, of Alabama, to be a captain in the Marine Corps of the Confederate States.

Alfred C. Van Benthuyzen, of Louisiana, to be a captain in the Marine Corps of the Confederate States.

Julius Ernest Meiere, of the District of Columbia, late a second lieutenant in the Marine Corps of the United States, to be first lieutenant in the Marine Corps of the Confederate States.

Calvin L. Sayre, of Alabama, late a second lieutenant in the Marine Corps of the United States, to be a first lieutenant in the Marine Corps of the Confederate States.

H. Laurens Ingraham, of South Carolina, late a second lieutenant in the Marine Corps of the United States, to be a first lieutenant in the Marine Corps of the Confederate States.

Lucien Le Compte Dawson, of Texas, late a second lieutenant in the Marine Corps of the United States, to be a first lieutenant in the Marine Corps of the Confederate States.

Becket K. Howell, of Louisiana, late a second lieutenant in the Marine Corps of the United States, to be a first lieutenant in the Marine Corps of the Confederate States.

Richard H. Henderson, of the District of Columbia, to be a first lieutenant in the Marine Corps of the Confederate States.

David G. Raney, of Florida, to be a second lieutenant in the Marine Corps of the Confederate States.

JEFFERSON DAVIS.

The following communication was also received from the President:

*To the President of the Congress of the Confederate States:*

I nominate John Ward, of Virginia, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

Francis L. Galt, of Georgia, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

Thomas J. Charlton, of Georgia, late an assistant surgeon in the Navy of the United States, to be an assistant surgeon in the Navy of the Confederate States.

Theodosius Bartow Ford, of Georgia, to be an assistant surgeon in the Navy of the Confederate States.

JEFFERSON DAVIS.

On motion, the above communications were referred [to] the Committee on Naval Affairs, who reported them back to the Congress.

And the question being,

Will the Congress advise and consent to the nominations?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

MONTGOMERY, *May 21, 1861.*

Hon. HOWELL COBB,

*President of the Congress.*

SIR: I have the honor to submit for the consideration of Congress the nomination contained in the recommendation of the Secretary of the Treasury transmitted herewith.

Very respectfully,

JEFFERSON DAVIS.

MONTGOMERY, *May 21, 1861.*

His excellency JEFF. DAVIS,

*President of the Confederate States.*

SIR: I respectfully recommend Benjamin F. McDonough, of Texas, for appointment as collector for the port of Sabine Pass.

Very respectfully,

C. G. MEMMINGER,  
*Secretary of the Treasury.*

The question being,

Will the Congress advise and consent to the above nomination?

On motion of Mr. Ochiltree,

It was unanimously decided in the affirmative.

The following communication was also received from the President:

MONTGOMERY, *May 21, 1861.*

To Hon. HOWELL COBB,

*President of the Congress.*

SIR: I have the honor to transmit herewith for the consideration of Congress a list of nominations for the Department of Justice.

Very respectfully,

JEFF'N DAVIS.

MONTGOMERY, *May 21, 1861.*

To the PRESIDENT.

SIR: I have the honor to submit the following nominations to office in the Department of Justice:

1. T. J. Devine to be judge of the district court for the western district of Texas.
2. John C. West, of Waco, Tex., to be district attorney for the western district of Texas.
3. J. R. Jefferson to be marshal for the western district of Texas.

Respectfully, your obedient servant,

J. P. BENJAMIN.

The question being,

Will the Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

MONTGOMERY, *May 21, 1861.*

Hon. HOWELL COBB,

*President of the Congress.*

SIR: I have the honor to submit herewith for the consideration of the Congress a list of nominations in the Department of Justice.

Very respectfully,

JEFFERSON DAVIS.

MONTGOMERY, *May 21, 1861.*

To the PRESIDENT.

SIR: I have the honor to submit the following names for nomination to offices in the Department of Justice:

1. Daniel Ringo to be judge of the district court for the district of Arkansas.
2. James D. Halyburton to be judge of the district court for the eastern district of Virginia.
3. John W. Brockenbrough to be judge of the district court for the western district of Virginia.
4. Charles E. Jordan to be district attorney for the eastern district of Arkansas.
5. Granville Wilcox to be district attorney for the western district of Arkansas.
6. Patrick H. Aylett to be district attorney for the eastern district of Virginia.
7. Fleming Bowyer Miller to be district attorney for the western district of Virginia.
- [8. John G. Halliburton to be marshal for the eastern district of Arkansas.
9. James M. Brown to be marshal for the western district of Arkansas.
10. John F. Wiley to be marshal for the eastern district of Virginia.
11. Jefferson T. Martin to be marshal for the western district of Virginia.
12. Rufus R. Rhodes, of Mississippi, to be Commissioner of Patents.

Respectfully, your obedient servant,

J. P. BENJAMIN.]

The question being,

Will the Congress advise and consent to the nominations above communicated?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

EXECUTIVE DEPARTMENT, *May 21, 1861.*

HON. HOWELL COBB,

*President of the Congress:*

I herewith transmit, for the advice and consent of the Congress, the nomination of Robert H. M. Davidson, to be district attorney for the district of Florida, in the place of D. P. Holland, who has not qualified nor entered upon the duties of his office.

JEFFERSON DAVIS.

MONTGOMERY, *May 20, 1861.*

To the PRESIDENT.

SIR: I have the honor to submit for nomination in this Department Robert H. M. Davidson, to be district attorney for the district of Florida, in the place of D. P. Holland, who has not qualified nor entered upon the duties of his office.

Your obedient servant,

J. P. BENJAMIN.

On motion, the above communication was referred to the Committee on the Judiciary, who reported it back to Congress.

And the question being,

Will the Congress advise and consent to the nomination above communicated?

It was unanimously decided in the affirmative.

The following communication was also received from the President:

EXECUTIVE DEPARTMENT, *May 20, 1861.*

HON. HOWELL COBB,

*President of the Congress:*

I herewith transmit, for the advice and consent of the Congress, the nomination of William T. Austin to be marshal of the district of Texas, in the place of H. E. McCulloch, who declines the appointment.

JEFFERSON DAVIS.



MONTGOMERY, *May 20, 1861.*

To the PRESIDENT.

SIR: I have the honor to submit the following nomination as proper to be made in this Department:

William T. Austin to be marshal of the district of Texas, in the place of H. E. McCulloch, who declines the appointment.

Your obedient servant,

J. P. BENJAMIN.

On motion, the above communication was referred to the Committee on the Judiciary, who reported it back to the Congress.

And the question being,

Will the Congress advise and consent to the nomination above communicated?

It was unanimously decided in the affirmative.

There being no further executive business, the Congress resumed the consideration of the business on the Calendar.



PROVISIONAL CONGRESS  
OF  
THE CONFEDERATE STATES.

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*THIRD SESSION, JULY 20, 1861, TO AUGUST 31, 1861.*

*RICHMOND, VA., July 20, 1861.*

OPEN SESSION.

In pursuance to a notice of adjournment, Congress met at the Capitol in the city of Richmond, State of Virginia, at noon on the 20th day of July, and was opened with prayer by the Rev. Dr. Samuel K. Talmadge.

Upon a call of the roll, a quorum being present, the President announced the Congress organized and ready for business.

Mr. Brockenbrough of Virginia announced the presence of Messrs. James A. Seddon, W. B. Preston, William H. Macfarland, Charles W. Russell, and Robert Johnston, additional Delegates elected from the State of Virginia, who appeared, were qualified, and took their seats.

Mr. Toombs of Georgia announced the presence of Messrs. George Davis, W. W. Avery, W. N. H. Smith, T. McDowell, A. W. Venable, J. M. Morehead, R. C. Puryear, and A. T. Davidson, Delegates from the State of North Carolina, who appeared, were qualified, and took their seats.

On motion of Mr. Perkins of Louisiana, a committee of three were appointed to wait upon the President, to inform him that Congress was in session and prepared to receive any communication he might deem proper to make.

The Chair announced the following as the committee, viz:

Messrs. Perkins of Louisiana, Brockenbrough of Virginia, and Johnson of Arkansas.

Mr. Toombs, from the Committee on Ways and Means, reported a bill entitled

A bill to be entitled "An act to authorize the appointment of agents to sign Treasury notes;" which was read the first and second times, engrossed, read the third time, and passed.

Mr. Perkins, chairman of the committee appointed to wait upon the President, reported that they had discharged that duty, and that the President would communicate with Congress in writing.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn; which was read, as follows, viz:

*To the Congress of the Confederate States of America.*

GENTLEMEN: My message, addressed to you at the commencement of the session, contained such full information of the state of the Confederacy as to render it unnecessary that I should now do more than call your attention to such important facts as have occurred during the recess, and to matters connected with the public defense.

I have again to congratulate you on the accession of new members to our Confederation of free, equal, and sovereign States. Our loved and honored brethren of North Carolina and Tennessee have consummated the action, foreseen and provided for at your last session, and I have had the gratification of announcing, by proclamation, in conformity with law, that those States were admitted into the Confederacy.

The people of Virginia also, by a majority previously unknown in her history, have ratified the action of her convention, uniting her fortunes with ours. The States of Arkansas, North Carolina, and Virginia have likewise adopted the permanent Constitution of the Confederate States, and no doubt is entertained of its adoption by Tennessee at the election to be held early next month.

I deemed it advisable to direct the removal of the several Executive Departments, with their archives, to this city, to which you had removed the seat of government, immediately after your adjournment. The aggressive movements of the enemy required prompt and energetic action. The accumulation of his forces on the Potomac sufficiently demonstrated that his efforts were to be directed against Virginia; and from no point could the necessary measures for her defense and protection be so efficiently directed as from her own capital.

The rapid progress of events for the last few weeks has fully sufficed to strip the veil behind which the true policy and purposes of the Government of the United States had been previously concealed; their odious features now stand fully revealed; the message of their President and the action of their Congress during the present month, confess the intention of subjugating these States by a war, whose folly is equaled by its wickedness; a war by which it is impossible to attain the proposed result, whilst its dire calamities, not to be avoided by us, will fall with double severity on themselves.

Commencing in March last, with an affectation of ignoring the secession of the seven States which first organized this Government; persisting in April in the idle and absurd assumption of the existence of a riot which was to be dispersed by a *posse comitatus*; continuing in successive months the false representation that these States intended offensive war, in spite of the conclusive evidence to the contrary furnished as well by official action as by the very basis on which this Government is constituted; the President of the United States and his advisers succeeded in deceiving the people of those States into the belief that the purpose of this Government was not peace at home, but conquest abroad; not the defense of its own liberties, but the subversion of those of the people of the United States.

The series of maneuvers by which this impression was created, the art with which they were devised, and the perfidy with which they were executed, were already known to you; but you could scarcely have supposed that they would be openly avowed and their success made the subject of boast and self-laudation in an executive message. Fortunately for the truth of history, however, the President of the United States details with minuteness the attempt to reinforce Fort Pickens in violation of an armistice, of which he confesses to have been informed, but "only by rumors too vague and uncertain to fix attention;" the hostile expedition dispatched to supply Fort Sumter, admitted to have been undertaken with a knowledge that its success was impossible; the sending of notice to the governor of South Carolina of his intention to use force to accomplish his object, and then quoting from his inaugural address the assurance that there could be no conflict, unless these States were the aggressors, he proceeds to declare that his conduct, as just related by himself, was a performance of this promise, "so free from the power of ingenious sophistry as that the world should not be able to misunderstand it;" and in defiance of his own statement that he gave notice of the approach of a hostile fleet, he charges these States with becoming the assailants of the United States, "without a gun in sight or in expectancy to return their fire, save only the few in the fort." He is indeed fully justified in saying that the case "is so free from the power of ingenious sophistry that the world will not be able to misunderstand it."

Under cover of this unfounded pretense that the Confederate States are the assailants, that high functionary, after expressing his concern that some foreign nations "had so shaped their action as if they supposed the early destruction of our National



Union was probable," abandons all further disguise, and proposes "to make this contest a short and decisive one," by placing at the control of the Government for the work at least 400,000 men and \$400,000,000. The Congress, concurring in the doubt thus intimated as to the sufficiency of the force demanded, has increased it to half a million of men. These enormous preparations in men and money for the conduct of a war on a scale more gigantic than any which the New World has ever witnessed, is a distinct avowal in the eyes of civilized man that the United States are engaged in a conflict with a great and powerful nation; they are at last compelled to abandon the pretense of being engaged in dispersing rioters and suppressing insurrections, and are driven to the acknowledgment that the ancient Union has been dissolved. They recognize the separate existence of these Confederate States by the interdiction, embargo, and blockade of all commerce between them and the United States, not only by sea, but by land; not only in ships, but in rail cars; not only with those who bear arms, but with the entire population of the Confederate States. Finally they have repudiated the foolish conceit that the inhabitants of this Confederacy are still citizens of the United States, for they are waging an indiscriminate war upon them all with a savage ferocity unknown to modern civilization. In this war, rapine is the rule; private residences in peaceful rural retreats are bombarded and burnt; grain crops in the field are consumed by the torch; and when the torch is not convenient, careful labor is bestowed to render complete the destruction of every article of use or ornament remaining in private dwellings after their inhabitants have fled from the outrages of a brutal soldiery.

In 1781 Great Britain, when invading her revolted colonies, took possession of the very district of country near Fortress Monroe now occupied by troops of the United States. The houses then inhabited by the people, after being respected and protected by avowed invaders, are now pillaged and destroyed by men who pretend that the victims are their fellow-citizens.

Mankind will shudder to hear the tales of outrages committed on defenseless females by soldiers of the United States now invading our homes. Yet these outrages are prompted by inflamed passions and the madness of intoxication. But who shall depict the horror with which they will regard the cool and deliberate malignity which, under pretext of suppressing an insurrection, said by themselves to be upheld by a minority only of our people, makes special war on the sick, including the women and the children, by carefully devised measures to prevent their obtaining the medicines necessary for their cure? The sacred claims of humanity, respected even during the fury of actual battle by careful diversion of attack from the hospitals containing wounded enemies, are outraged in cold blood by a Government and people that pretend to desire a continuance of fraternal connections.

All these outrages must remain unavenged, save by the universal reprobation of mankind, in all cases where the actual perpetrators of the wrongs escape capture. They admit of no retaliation. The humanity of our people would shrink instinctively from the bare idea of waging a like war upon the sick, the women, and the children of the enemy.

But there are other savage practices which have been resorted to by the Government of the United States which do admit of repression by retaliation. I have been driven to the necessity of enforcing this repression. The prisoners of war taken by the enemy on board the armed schooner *Savannah*, sailing under our commission, were, as I was credibly advised, treated like common felons, put in irons, confined in a jail usually appropriated to criminals of the worst dye, and threatened with punishment as such. I had made an application for the exchange of these prisoners to the commanding officer of the enemy's squadron off Charleston Harbor, but that officer had already sent the prisoners to New York when the application was made. I therefore deemed it my duty to renew the proposal for the exchange to the constitutional Commander in Chief of the Army and Navy of the United States, the only officer having control of the prisoners. To this end I dispatched an officer to him under a flag of truce, and in making the proposal I informed President Lincoln of my resolute purpose to check all barbarities on prisoners of war by such severity of retaliation on the prisoners held by us as should secure the abandonment of the practice.

This communication was received and read by the officer in command of the Army of the United States, and a message was brought from him by the bearer of my communication that a reply would be returned by President Lincoln as soon as possible. I earnestly hope that this promised reply, which has not yet been received, will convey the assurance that prisoners of war will be treated, in this unhappy contest, with that regard to humanity which has made such conspicuous progress in the conduct of modern warfare. As a measure of precaution, however, and until the promised reply is received, I still retain in close custody some officers captured from the enemy

whom it had been my pleasure previously to enlarge on parole, and whose fate must necessarily depend on that of the prisoners held by the enemy.

I append a copy of my communication to the President and Commander in Chief of the Army and Navy of the United States and of the report of the officer charged to deliver it, marked "Document A."

There are some other passages in the remarkable paper to which I have directed your attention, having reference to the peculiar relations which exist between this Government and the States usually termed the border slave States, which can not properly be withheld from notice.

The hearts of our people are animated by sentiments toward the inhabitants of those States which found expression in your enactment refusing to consider them as enemies or to authorize hostilities against them. That a very large portion of the people of those States regard us as brethren; that if unrestrained by the actual presence of large armies, the subversion of civil authority, and the declaration of martial law, some of them at least would joyfully unite with us; that they are with almost entire unanimity opposed to the prosecution of the war waged against us are facts of which daily recurring events fully warrant the assertion.

The President of the United States refuses to recognize in these our late sister States the right of refraining from attack on us, and justifies his refusal by the assertion that the States have no other power "than that reserved to them in the Union by the Constitution, *no one of them having ever been a State out of the Union.*"

This view of the constitutional relations between the States and the General Government is a fitting introduction to another assertion of the message that the Executive possesses the power of suspending the writ of habeas corpus and of delegating that power to military commanders at his discretion; and both these propositions claim a respect equal to that which is felt for the additional statement of opinion in the same paper that it is proper in order to execute the laws that "some single law, made in such extreme tenderness of the citizens' liberty that practically it relieves more of the guilty than the innocent, should to a very limited extent be violated."

We may well rejoice that we have forever severed our connection with a Government that thus tramples on all the principles of constitutional liberty and with a people in whose presence such avowals could be hazarded.

The operations in the field will be greatly extended by reason of the policy which, heretofore secretly entertained, is now avowed and acted on by the United States. The forces hitherto raised proved ample for the defense of the seven States which originally organized the Confederacy, as is evinced by the fact that, with the exception of three fortified islands, whose defense is efficiently aided by a preponderating naval force, the enemy has been driven completely out of those States; and now, at the expiration of five months from the formation of the Government, not a single hostile foot presses their soil. These forces, however, must necessarily prove inadequate to repel the invasion by half a million of men, now proposed by the enemy, and a corresponding increase in our forces will become necessary. The recommendations for the raising and efficient equipment of this additional force will be contained in the communication of the Secretary of War, to which I need scarcely invite your earnest attention.

In my message delivered in April last I referred to the promise of abundant crops, with which we were cheered. The grain crops generally have since been harvested, and the yield has proven to be the most abundant known in our history. Many believe the supply adequate to two years' consumption of our population. Cotton, sugar, and tobacco, forming the surplus production of our agriculture, and furnishing the basis of our commercial interchanges, present the most cheering promise, and a kind Providence has smiled on the labor which extracts the teeming wealth of our soil in all portions of our Confederacy.

It is the more gratifying to be able to give you this assurance because of the need of a large and increased expenditure in the support of our Army. Elevated and purified by the sacred cause they maintain, our fellow-citizens of every condition of life exhibit the most self-sacrificing devotion. They manifest a laudable pride in upholding their independence, unaided by any resources other than their own, and the immense wealth which a fertile soil and genial climate have accumulated in this Confederacy of agriculturists could not be more strikingly displayed than in the large revenues which, with eager zeal, they have contributed at the call of their country. In the single article of cotton the subscriptions to the loan proposed by the Government can not fall short of \$50,000,000, and will probably largely exceed that sum, and scarcely an article required for the consumption of the Army is provided otherwise than by subscription to the produce loan so happily devised by your wisdom. The Secretary of the Treasury, in the report submitted to you by him, will give you the amplest details connected with that branch of the public service.

But 'tis not alone in their prompt pecuniary contributions that the noble race of freemen who inhabit these States evince how worthy they are of the liberties which they so well know how to defend. In numbers far exceeding those authorized by your laws they have pressed the tender of their services against the enemy. Their attitude of calm and sublime devotion to their country, the cool and confident courage with which they are already preparing to meet the threatened invasion in whatever proportions it may assume, the assurance that their sacrifices and their services will be renewed from year to year with unfaltering purpose until they have made good to the uttermost their right to self-government; the generous and almost unquestioning confidence which they display in their Government during the pending struggle, all combine to present a spectacle such as the world has rarely if ever seen.

To speak of subjugating such a people, so united and determined, is to speak a language incomprehensible to them. To resist attacks on their rights or their liberties is with them an instinct. Whether this war shall last one, or three, or five years is a problem they leave to be solved by the enemy alone; it will last till the enemy shall have withdrawn from their borders—till their political rights, their altars, and their homes are freed from invasion. Then and then only will they rest from this struggle, to enjoy in peace the blessings which with the favor of Providence they have secured by the aid of their own strong hearts and sturdy arms.

JEFFERSON DAVIS.

RICHMOND, *July 20, 1861.*

On motion of Mr. Wigfall of Texas, 5,000 copies of the President's message and accompanying documents were ordered to be printed.

Mr. Keitt moved that the subject of a printer to Congress be referred to the Committee on Printing; which motion was agreed to.

On motion of Mr. Hemphill of Texas,

Congress then adjourned to 12 o'clock on Monday.

## SECOND DAY—MONDAY, JULY 22, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Burrows.

Mr. Memminger of South Carolina presented two dispatches from the President; which were read, as follows, to wit:

(First dispatch.)

MANASSAS, *July 21.*

We have won a glorious but dear-bought victory; the night closed with the enemy in full flight, pursued by our troops.

JEFF. DAVIS.

(Second dispatch.)

MANASSAS, *July 21, 1861.*

To General COOPER,

*Adjutant-General, Richmond:*

Night has closed upon a hard-fought field. Our forces have won a glorious victory. The enemy was routed and fled precipitately, abandoning a very large amount of arms, munitions, knapsacks, and baggage. The ground was strewn for miles with their killed, and the farmhouses and the ground around were filled with his wounded. The pursuit was continued along several routes toward Leesburg and Centerville until darkness covered the fugitives. We have captured several field batteries and regimental standards and one United States flag. Many prisoners have been taken. Too high praise can not be bestowed, whether for the skill of the principal officers or for the gallantry of all the troops. The battle was mainly fought on our left, several miles from our fieldworks, our force engaged there not exceeding 15,000; that of the enemy estimated at 35,000.

JEFFERSON DAVIS.



Mr. Memminger of South Carolina then offered the following resolutions, to wit:

*Resolved*, That we recognize the hand of the Most High God, the King of Kings and Lord of Lords, in the glorious victory with which He hath crowned our arms at Manassas; and that the people of these Confederate States are invited, by appropriate services on the ensuing Sabbath, to offer up their united thanksgiving and praise for this mighty deliverance.

*Resolved*, That, deeply deploring the necessity which has washed the soil of our country with the blood of so many of her noblest sons, we offer to their respective families and friends our warmest and most cordial sympathy, assuring them that the sacrifice made will be consecrated in the hearts of our people, and will there enshrine the names of the gallant dead as the champions of free and constitutional government.

*Resolved*, That we approve of the prompt and patriotic efforts of the mayor of the city of Richmond to make provision for the wounded, and that a committee of one member from each State be appointed to cooperate in the plan.

*Resolved*, That Congress do now adjourn.

Mr. William Ballard Preston of Virginia announced the presence of Messrs. Robert E. Scott and Walter Preston, Delegates from the State of Virginia, who came forward, were qualified, and took their seats.

Mr. Davidson of North Carolina announced the presence of Mr. T. McDowell, a Delegate from the State of North Carolina, who came forward, was qualified, and took his seat.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A bill to authorize the appointment of agents to sign Treasury notes.

The resolutions offered by Mr. Memminger were then taken up and unanimously passed.

The Chair announced the following as the committee under the third of Mr. Memminger's resolutions, to wit:

Messrs. W. H. Macfarland, of Virginia; A. W. Venable, of North Carolina; James Chesnut, jr., of South Carolina; Jackson Morton, of Florida; Thomas R. R. Cobb, of Georgia; Nicholas Davis, of Alabama; J. T. Harrison, of Mississippi; Henry Marshall, of Louisiana; A. H. Garland, of Arkansas; W. B. Ochiltree, of Texas.

The Chair then declared the Congress adjourned until 12 o'clock to-morrow.

### THIRD DAY—TUESDAY, JULY 23, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hoge.

A quorum being present, the Journal of yesterday was read.

Mr. Hunter of Virginia announced the presence of Thomas S. Bocoek, a Delegate from the State of Virginia, who appeared, was qualified, and took his seat.

Mr. Davidson of North Carolina announced the presence of Mr. Burton Craige, a Delegate from the State of North Carolina, who appeared, was qualified, and took his seat.

Mr. Perkins of Louisiana offered the following preamble and resolution; which were read, and, on his motion, referred to Committee on Finance:

Whereas the Government of the United States is exerting all its energies and employing its Army and Navy and every agency within its power to prevent the exportation of our great staples—cotton and tobacco—to any other country except



through its ports, or by its permission, thereby securing the complete commercial subjection of the Confederate States and causing the industrial and manufacturing interests of all other countries sustained by these products to be dependent upon them for their supply: Therefore, be it

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency of this Congress conferring upon the Government of the Confederate States the power to control the cotton and tobacco crops of the country by receiving subscriptions in kind, or by purchase from individuals at a price fixed, or by such an advance upon their value in Treasury notes or Confederate bonds as will enable the Government to make their possession the basis of credit and negotiation abroad.

Mr. Perkins of Louisiana presented a memorial containing suggestions as to the financial resources of the Confederate States; which, upon his motion, was referred to Committee on Finance.

Mr. Harris of Mississippi presented a memorial touching the public service; which, upon his motion, was referred to the Committee on Finance.

Mr. Ochiltree of Texas offered the following resolution; which was agreed to, viz:

That the Committee on Finance be instructed to inquire into the expediency of suspending the collection of all duties imposed by the laws now in force on goods, wares, merchandise, and commodities of every description whatsoever imported into these Confederate States during the existence of the present war, and that they report at an early day by bill or otherwise.

Mr. Rives of Virginia presented the memorial of Samuel Jones, late captain in United States Army, now lieutenant-colonel in Provisional Army, praying payment of moneys due him for services by United States Government, out of funds taken in custom-house at Richmond, upon secession of State of Virginia; which was, on motion of Mr. Rives, referred to Committee on Military Affairs.

Congress then went into secret session.

#### SECRET SESSION.

Congress having gone into secret session, two reports on unadjusted accounts of the last session and sale of furniture were received from J. J. Hooper, Secretary, and referred to the Committee on Accounts.

Mr. Kenner of Louisiana offered the following resolution; which was taken up, read, and agreed to, to wit:

*Resolved by the Congress of the Confederate States of America*, That the Secretary of Congress be authorized to purchase five hundred dollars' worth of stationery for the Congress, inclusive of the amount already purchased by him for the present session of the Congress.

Mr. Staples of Virginia offered the following resolution; which was taken up, read, and agreed to, to wit:

*Resolved*, That the Committee on Postal Affairs inquire into the expediency of providing by law for the transmission of packages and letters to and from the officers, musicians, and privates in the service of the Confederate States free of postage.

On motion of Mr. Cobb of Georgia all bills on the Calendar were ordered to be printed for the use of Congress in secret session.

Mr. Stephens of Georgia offered the following resolution; which was taken up, read, and agreed to, to wit:

*Resolved*, That the members of the standing committees of Congress be raised to nine, and that the Chair fill them up at his leisure.

The Chair presented the report of the Secretary of the Treasury, with accompanying schedules; which were read and referred to the

Committee on Finance, with instructions to have such portions of the same printed as said committee might deem necessary for the use of Congress.

The Chair presented the memorial of Dickinson, inventor of a steam gun; which, on motion, was referred to the Committee on Naval Affairs.

Mr. Waul, at the instance of the State of Texas, moved to reconsider the motion passed to refer the report of the Secretary of the Treasury to the Committee on Finance, with power to print such portions of same as might be necessary for the use of Congress.

The motion was lost.

Mr. Shorter of Alabama, at the instance of the State of Alabama, moved to reconsider the motion referring the report of the Secretary of the Treasury to the Committee on Finance, with power to print such portions of same as might be necessary for the use of Congress, and demanded the vote by States: which was taken, and resulted as follows, to wit: Yeas 4, nays 5.

The States voting in the affirmative are: Alabama, Florida, Georgia, and Texas.

Those voting in the negative are: Arkansas, Mississippi, North Carolina, South Carolina, and Virginia.

The vote of Louisiana was divided.

So the motion to reconsider was lost.

Mr. Cobb, chairman of the Committee on Printing, made the following report; which was received, to wit:

The committee find, upon investigation, that the resolution of Congress appointing a printer extended only to the time the Congress should sit at Montgomery, Ala.

Further, that the printer of the last session has made no arrangements for the printing of the present session. They therefore recommend that Congress do now proceed to elect a printer.

Mr. Conrad moved to amend by inserting in lieu of the words "do now proceed to elect a printer" "that the election of printer be made the special order for 1 o'clock to-morrow;" which was lost.

The original question, to wit, that Congress do now proceed to elect a printer, was put and carried.

Upon a vote by States ten States voted as follows, to wit:

For John M. Daniel, the States of Mississippi, North Carolina, South Carolina, Alabama, Florida, and Virginia.

For Tyler, Wise & Allegre, the State of Texas.

For W. W. Dunnivant, the States of Arkansas and Georgia.

The vote of the State of Louisiana was divided.

Whereupon, John M. Daniel, having received a majority of the votes cast, was declared by the Chair duly elected printer to the Congress.

Mr. Conrad of Louisiana offered a resolution to appoint a committee to inquire into the number of arms and munitions of war distributed to the Army and now in possession of the Government; which was read and placed on the Calendar.

On motion of Mr. Rhett of South Carolina.

Congress then adjourned until 12 o'clock to-morrow.

## FOURTH DAY—WEDNESDAY, JULY 24, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Woodbridge.

Mr. Bocock of Virginia announced the presence of Mr. James M. Mason, a Delegate from the State of Virginia, who appeared, was qualified, and took his seat.

Mr. Russell of Virginia announced the presence of Mr. Roger A. Pryor, a Delegate from the State of Virginia, who appeared, was qualified, and took his seat.

Mr. Macfarland of Virginia, chairman of the select committee appointed to confer with the citizens of Richmond in relation to the wounded at Manassas, reported as follows, to wit:

The committee to whom was referred the resolutions approving the prompt and patriotic efforts of the mayor of the city of Richmond in behalf of the wounded in the glorious victory at Manassas, and tendering the cooperation of Congress in his beneficent plan, respectfully report:

That in a public meeting of the citizens of Richmond, convened by the mayor on Monday, the 22d instant, the following proceedings were had:

The intelligence from the army of a brilliant victory, achieved by the Confederate forces at Manassas, over the ruthless enemies of public liberty and constitutional law, is an occasion of devout thanksgiving to Almighty God; and the citizens of Richmond here assembled reverently acknowledge His goodness and mercy. They acknowledge, moreover, that it is a sacred and patriotic duty to manifest their grief for the loss of the noble men who fell in the arduous struggle and were disabled, and to condole with and relieve the sufferers and their families.

*Resolved*, That a committee of citizens be appointed to proceed to Manassas and confer with the commanding generals of the posts in reference to the removal and transportation to this city of such wounded soldiers as can be safely removed; also

*Resolved*, That a committee of citizens be appointed to confer with the citizens of the city of Richmond and vicinity, to ascertain how many wounded soldiers can be nursed and comfortably provided for by the several families in the city and vicinity, and in aid of that committee the citizens report to the mayor the number of the wounded that they can respectively provide with comfortable accommodations.

*Resolved*, That said committee do also provide and fit up, at the expense of the city, such additional rooms as may be necessary for the comfortable accommodation of the wounded; and that said committee do provide all necessary means of conveyance of the wounded to the places designated.

*Resolved*, That a committee be appointed to solicit subscriptions of money for the above purpose.

These proceedings met the exigency in a spirit of broad and considerate sympathy. There is no duty to which our fellow-citizens nor their representatives and agents are prepared to respond to more spontaneously and liberally than that which summons to the consolation and relief of their intrepid defenders. It would not become the Congress of the Confederate States to permit the city of Richmond to take to herself the whole charge of providing for the wounded and sick of the army, which, under the blessing of Providence, triumphed gloriously at Manassas. It behooves Congress to provide the funds necessary to meet the outlay which may attend the execution of their honorable design: Therefore,

*Resolved*, That the sum of five thousand dollars be placed at the disposal of the Secretary of the Treasury, to be expended in securing the comfort of the officers and men of the Army who were in the battle at Manassas and may be removed to the city of Richmond under the resolutions of the common council.

The report was received and unanimously agreed to.

Mr. T. R. R. Cobb of Georgia offered the following resolutions announcing the death of Mr. Francis S. Bartow, a Delegate from the State of Georgia, and moved their adoption:

*Resolved*, That Congress has heard, with unfeigned sorrow, of the death of Honorable Francis S. Bartow, one of the Delegates from the State of Georgia; that the

natural exultation for a glorious victory, achieved by our arms, is checked by the heavy loss sustained by the Confederacy in the death of one of her most efficient counsellors; and that, as his colleagues, we feel a peculiar loss to ourselves in one who had won our esteem and gained much of our affection.

*Resolved*, That with pleasure we record our admiration of his heroic defense on the field of battle; of the action of this Congress in which he participated so largely; and find some consolation for his death in the conviction that his noble self-sacrifice will serve to establish the work which he so boldly aided to begin.

*Resolved*, That we appreciate the loss which Georgia, his native State, has sustained in the death of one of her noblest sons, and that we tender to the bereaved family the sympathy of hearts to some extent stricken by the same blow which has crushed their own.

*Resolved*, That a copy of these resolutions be communicated to the family of the deceased.

*Resolved*, That in testimony of our respect for his memory the Congress do now adjourn.

Messrs. Hill of Georgia, Mason of Virginia, and Chesnut of South Carolina having seconded the motion of Mr. Cobb, the Chair, upon a taking of the vote, declared the resolutions unanimously adopted; and the Congress adjourned until 12 o'clock to-morrow.

## FIFTH DAY—THURSDAY, JULY 25, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Ware.

Mr. Venable of North Carolina announced the presence of Mr. Thomas Ruffin, a Delegate from the State of North Carolina, who appeared, was qualified, and took his seat.

Mr. Garland of Arkansas offered the following resolution; which was unanimously agreed to:

*Resolved*, That the Secretary be, and he is hereby, directed to have, as soon as possible, the proceedings of Congress on the announcement of the death of the Honorable Francis S. Bartow, together with the several speeches made on the occasion, printed in pamphlet form, and that he cause three thousand five hundred copies of the same to be printed for the use of Congress.

Mr. Smith of Alabama offered a resolution instructing the Judiciary Committee to report a bill amending an act approved May 21, 1861, entitled "An act to authorize certain debtors to pay the amounts due by them into the Treasury of the Confederate States," so as to provide penalties for the violation of the provisions contained in said act; which was agreed to.

Mr. Hill of Georgia offered a series of resolutions from a meeting in Georgia; which were referred to Committee on Finance, without being read.

Mr. Kenner of Louisiana offered resolutions instructing Judiciary Committee to inquire into the expediency of reporting a general confiscation bill; which were agreed to.

Mr. Perkins of Louisiana presented a letter from railroad companies in Virginia, agreeing to transport sick and disabled soldiers; which was referred to Committee on Military Affairs.

Mr. Brooke of Mississippi presented a communication from a citizen of New Orleans on subject of finance; which was referred to Committee on Finance, without reading.

Mr. Miles of South Carolina presented a memorial from Messrs.



Edgerton & Richards, of South Carolina, praying amendment of the patent law; which was referred to Committee on Patents.

Mr. Scott of Virginia presented a memorial of Henry Clay Pate, of Virginia, praying compensation for services rendered "Wise Legion" as quartermaster and commissary; which was referred to the Committee on Military Affairs.

Mr. Russell of Virginia offered a resolution instructing the Committee on Finance to inquire into the expediency of adjusting the accounts between the several States and the Confederate Government for expenditures made for the war; which was agreed to.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, saying that he had on yesterday approved and signed

An act to authorize the appointment of agents to sign Treasury notes.

The Chair presented a communication from the Secretary of the Treasury in reference to donations from certain churches, with the amounts contributed by the several churches, in an accompanying document thereto, and containing an estimate for appropriation of money to be expended in behalf of the wounded at Manassas; which was laid on the table and ordered to be printed.

Mr. Memminger of South Carolina offered resolution in relation to certain donations from churches; which was read the first and second times, enrolled and engrossed, read third time, and passed.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress having resolved itself into secret session,

The Chair presented a communication from the Executive Department, transmitting to Congress the report of the Secretary of War and accompanying documents; which were read and referred to the Committee on Military Affairs.

The Chair presented a communication from the Executive Department, transmitting to Congress the report of the Secretary of the Navy and accompanying documents; which were read and referred to the Committee on Naval Affairs.

The Chair presented a message from the Executive Department, transmitting to Congress the report of the Secretary of the Treasury and accompanying documents; which were read and referred to the Committee on Finance.

Mr. T. R. R. Cobb of Georgia presented a letter from John M. Daniel, declining the office of Public Printer, and moved that Congress proceed on to-morrow at 12.30 o'clock, in secret session, to the election of a printer; which motion was agreed to.

Mr. Shorter of Alabama presented the account of White, Piister & Co., of Montgomery, Ala., against Confederate States; which was referred to Committee on Claims.

Mr. T. R. R. Cobb of Georgia offered the following resolution, viz:

*Resolved by the Congress of the Confederate States of America, That W. N. Hutchins, Journal Clerk of the Congress, be allowed to substitute A. R. Lamar as Journal Clerk while said Hutchins remains in the Army, and that said Lamar be authorized to draw the pay of said Hutchins and also his allowance for transportation from Montgomery to Richmond;*

which was agreed to.

Mr. Kenner introduced

A bill to authorize the emission as required of Treasury notes to an amount not exceeding in the aggregate one hundred millions of dollars, and to provide a war tax for their redemption of one-half of one per cent on all taxable property in the several States of the Confederate States of America, as described in their last respective assessment rolls, and for other purposes; which was read the first and second times and referred to the Committee on Military Affairs.

Mr. Harris introduced

A bill to extend the provisions of an act entitled "An act to prohibit the exportation of cotton from the Confederate States, except through the seaports of said States, and to punish persons offending therein," approved May 21, 1861; which was read the first and second times and referred to the Committee on Finance.

Mr. Craige presented a communication from W. F. Strange in relation to the mint in Charlotte, N. C.; which was referred, without being read, to the Committee on Finance.

Mr. Avery presented a communication from William Johnson in reference to the same subject; which was also referred, without being read, to the Committee on Finance.

Mr. Avery introduced

A resolution in relation to the First Regiment of North Carolina Volunteers; which was read the first and second times and referred to the Committee on Military Affairs.

Mr. Avery also presented a memorial from Capts. C. M. Avery and William J. Hoke in reference to the First Regiment of North Carolina Volunteers; which was referred, without being read, to the Committee on Military Affairs.

Mr. Shorter of Alabama moved to reconsider and refer to the special committee the resolution passed on yesterday in relation to the wounded at Manassas; which motion was agreed to.

Mr. Shorter of Alabama moved to reconsider the resolution passed to-day in relation to the wounded at Manassas and to refer the same to the special committee; which motion was agreed to.

On motion of Mr. Rhett of South Carolina,

Congress then adjourned until 12 o'clock to-morrow.

#### EXECUTIVE SESSION.

Congress having resolved itself in executive session,

The following message from the President was laid before the body by the President of the Congress, viz:

EXECUTIVE DEPARTMENT, *Richmond, July 24, 1861.*

HON. HOWELL COBB,  
*President of the Congress.*

SIR: I hereby transmit, for the advice and consent of the Congress, the nomination of Robert M. T. Hunter, of Virginia, to be Secretary of State, in the place of Robert Toombs, resigned.

JEFFERSON DAVIS.

On motion of Mr. Keitt, the Congress unanimously advised and consented to the nomination.

The Chair also laid before the Congress a communication from the

President, transmitting, for the advice and consent of Congress, a list of appointments for postmasters at the places severally designated, viz:

E. C. Dewey, San Antonio, Tex.; Daniel Dickson, Wilmington, N. C.; C. R. Dickson, Jackson, Miss.; Ludwell H. Estes, Columbia, Tenn.; James B. Glass, Columbia, S. C.; Thomas C. Howard, Atlanta, Ga.; Alfred Huger, Charleston, S. C.; William Rust, Austin, Tex.; Thomas W. Peques, Camden, S. C.; William Priestly, Canton, Miss.; H. T. Phillips, Chattanooga, Tenn.; Joseph McCormick, Baton Rouge, La.; William P. Mellen, Natchez, Miss.; Thomas B. Bigger, Richmond, Va.; Eugene R. Biossat, Alexandria, La.; Solomon Cohen, Savannah, Ga.; C. W. Charlton, Knoxville, Tenn.; William H. Crittenden, Holly Springs, Miss.; Owen L. Cochran, Houston, Tex.; George T. Cook, Raleigh, N. C.; Samuel Finley, Tusculum, Ala.; William H. Eager, Selma, Ala.; Joseph C. Guild, Tuscaloosa, Ala.; Lloyd Bowers, Mobile, Ala.; Thomas E. Jordan, Pensacola, Fla.; J. M. Reid, New Orleans, La.; Miles Nash, Tallahassee, Fla.; James T. Porter, Napoleon, Ark.; William H. Pope, Little Rock, Ark.; Henry Hunsieker, Shreveport, La.; William Howell, Marion, Ala.; E. Richardson, Albany, Ga.; William Woods, Madison, Ga.; Thomas Crawford, Athens, Ga.; H. M. Jeter, Columbus, Ga.; M. C. Gallaway, Memphis, Tenn.; Reuben T. Thom, Fredericksburg, Va.; Martin A. Bowdoin, Griffin, Ga.; William E. Bass, Petersburg, Va.; William J. Windham, Huntsville, Ala.; William McNulty, Georgetown, S. C.; William Wertenbaker, University of Virginia, Virginia; G. B. Graves, Winchester, Va.; L. L. Stevenson, Staunton, Va.; John K. Cooke, Portsmouth, Va.; A. M. Vaughan, Norfolk, Va.; George Sandoe, Abingdon, Va.; John A. Smith, Florence, Ala.; Thomas B. Plunkett, Lexington, Va.; William M. Keblinger, Charlottesville, Va.; J. C. Stevenson, Newbern, N. C.; James G. Cook, Fayetteville, N. C.

The message and nominations were referred to the Committee on Postal Affairs.

The Chair also laid before the Congress a communication from the President, transmitting, for the advice and consent of Congress, a list of appointments for judges and marshals and attorneys for the districts severally designated, viz:

1. Asa Biggs to be judge of the district of North Carolina.
2. Chandler C. Yonge to be attorney for the district of Florida.
3. George V. Strong to be attorney for the district of North Carolina.
4. Jesse B. Clements to be marshal of the district of Tennessee.
5. J. C. Ramsey to be attorney for the district of Tennessee.
6. West H. Humphreys to be judge of the district of Tennessee.
7. Wesley Jones to be marshal of the district of North Carolina.

which was referred to the Committee on the Judiciary.

Congress resolved itself in secret session.

## SIXTH DAY—FRIDAY, JULY 26, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Peterkin.

The Chair presented a communication from the moderator of the North Carolina Chowan Baptist Association, together with a series of resolutions passed by that body; which, upon motion of Mr. Wright of Georgia, were ordered to be spread upon the minutes of Congress, and are as follows:

ST. JOHNS POST-OFFICE, N. C., *May 16, 1861.*

HON. HOWELL COBB.

SIR: In accordance with the instructions contained in the inclosed resolutions, adopted by the North Carolina Chowan Baptist Association, I respectfully transmit them to you as President of Confederate Congress. This association of Christians represents 52 churches, embodying a membership of more than 10,000 men and women. These resolutions passed the body unanimously and breathe forth the sentiments of an undivided constituency. In transmitting these resolutions to you, and through you to the Congress of Confederate States, suffer me to express my

hearty concurrence in the positions therein assumed, and if our would-be oppressors continue to deny to us the rights of a free people, and nothing but the arbitrament of the sword can settle pending difficulties, may the God of battles be in our midst and give success to our army.

With sentiments of respect and esteem, believe me ever, yours,

G. C. MOORE, *Moderator.*

Resolutions adopted by the Chowan Baptist Association, of the State of North Carolina, at its fifty-fifth annual session, on 16th day of May, 1861.

(1) *Resolved*, That this body concurs in the suggestion of the Georgia Baptist State Convention to his excellency President Davis that he set apart and recommend to the people of the Confederate States, of which our own Commonwealth is soon to become a member, a day of humiliation, fasting, and prayer that God in His mercy may avert from our land the evils of war, and in case our sinfulness demands chastisement that our armies may achieve a speedy, honorable, and lasting victory.

(2) *Resolved*, That this body disavows all claim to binding authority whether in matters temporal or spiritual, and that we as the free citizens of a Commonwealth declare our confidence in the justice and moderation which have hitherto characterized the Southern States. Having failed to live in amity with the people of the North, we hold that they are right in their demand to be let alone in their efforts to establish a separate and independent government.

(3) *Resolved*, Having an abiding confidence in the justice of our cause, we believe it to be our duty as Christians and freemen to contribute our utmost endeavors to uphold and defend our institutions and to resist to the direst extremity the criminal efforts of Abraham Lincoln and his supporters to subvert and destroy the same.

(4) *Resolved*, That we admire and approve the heroism and devotion manifested by the patriots of our land, who are volunteering by thousands to do battle in defense of our religion, our liberty, and our firesides.

(5) *Resolved*, That we look forward with pleasure to the early formal connection of North Carolina with her sisters of the Confederate States.

(6) *Resolved*, That the presiding officer of this body be instructed to transmit copies of these resolutions to his excellency Jeff. Davis, President of the Confederate States; to the Hon. Howell Cobb, President of the Confederate Congress, and to his excellency John W. Ellis, governor of the State of North Carolina, and to the presiding officer of the convention of North Carolina.

Mr. Curry of Alabama presented a memorial of M. J. Rhodes and others, patentees from the State of Alabama, praying a change in the patent laws; which was referred to the Committee on Patents, without being read.

Mr. Perkins of Louisiana presented a claim of Dr. P. M. Enders, of New Orleans, for services rendered as assistant treasurer of the United States Government at New Orleans; which was referred to the Committee on Claims, without being read.

Mr. Bockock of Virginia presented the memorial of Doctor Garnett, praying amendment to an act making appointments in the Confederate Navy; which was referred to the Committee on Naval Affairs, without being read.

Mr. Seddon of Virginia introduced a resolution instructing the Judiciary Committee to report a plan for taking evidence concerning slaves taken by the enemy; which was agreed to.

Mr. Russell of Virginia introduced a resolution instructing the Postal Committee to confer the franking privilege upon ex-President John Tyler; which was agreed to.

Mr. Staples of Virginia offered a resolution instructing the Committee on Military Affairs to inquire into the expediency of amending the military laws so as to give surgeons command over enlisted men; which was agreed to.

Mr. Staples of Virginia offered a resolution instructing the Military Committee to inquire into the expediency of altering the law so as to allow the Surgeon-General a messenger; which was agreed to.

Congress then resolved itself into secret session.



## SECRET SESSION.

Congress being in secret session.

Mr. Wright moved that the bill introduced in open session to amend the eighth section of an act entitled "An act to provide for the public defense" be transferred to the Calendar of the secret session; which motion prevailed.

On motion of Mr. Waul, the bill introduced in open session to amend an act making appointments in the Navy was transferred to the Calendar of the secret session.

The special order of the day being the election of a Public Printer to Congress, the Congress proceeded to the same; when Richard M. Smith, of Virginia, was unanimously elected.

Mr. Stephens offered the following resolution, viz:

*Resolved*, That it shall be the duty of the President of the Congress immediately after the reading of the Journal each morning to announce that Congress will go into secret session.

On agreeing to the resolution, at the instance of the State of Georgia, the yeas and nays of the entire body were ordered to be recorded, and are as follows, viz:

Alabama—Yea: Messrs. Smith, Chilton, and McRae. Nay: Messrs. Curry and Shorter.

Arkansas—Yea: Mr. Garland. Nay: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Howell Cobb, Nisbet, Hill, Kenan, and Stephens. Nay: Mr. Wright.

Louisiana—Yea: Messrs. Perkins, Kenner, and Marshall. Nay: Messrs. Conrad and Sparrow.

Mississippi—Yea: Messrs. Harris and Harrison. Nay: Mr. Campbell.

North Carolina—Yea: Messrs. Ruffin, Venable, and Puryear. Nay: Messrs. Davis, Avery, Smith, Morehead, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Miles, and Boyce. Nay: Mr. Chesnut.

Texas—Yea: Messrs. Wigfall and Hemphill. Nay: Messrs. Reagan, Waul, Gregg, and Ochiltree.

Virginia—Yea: Messrs. Rives and Scott. Nay: Messrs. Seddon, Macfarland, Pryor, Boccock, Mason, Brockenbrough, Russell, Johnston, Staples, and Preston.

The resolution was agreed to.

Mr. Garland offered the following resolution; which was agreed to, viz:

*Resolved*, That the Committee on Finance be instructed to inquire into the expediency and necessity of making the bonds and Treasury notes, or either, of the Confederate States, to be issued under the act of Congress of the sixteenth of May, eighteen hundred and sixty-one, entitled "An act to authorize a loan and the issue of Treasury notes," etc., a legal tender for and during the continuance of the present war, or for any other period of time, and the committee report by bill or otherwise.

Mr. Rhett offered the following resolution; which was agreed to, viz:

*Resolved*, That the President be requested, if in his opinion not incompatible with the public interest, to communicate to Congress the instructions given by the Government to our commissioners in Europe and the communications made by them to the Confederate Government.

Mr. Hemphill introduced

A bill amendatory of an act to prescribe the rates of postage in the

Confederate States of America, and for other purposes, approved February 23, 1861; which was read the first and second times and referred to the Committee on Postal Affairs.

Mr. Wigfall offered the following resolutions; which were agreed to, viz:

*Resolved*, That the Committee on Foreign Affairs do inquire and report to Congress whether in their opinion it is expedient that the consuls of foreign nations accredited to the United States should continue to exercise consular functions in the ports of the Confederate States.

*Resolved*, That the Committee on Foreign Affairs do further inquire whether it is expedient that the commissioners of the Confederate States now in Europe should remain any longer seeking the recognition of the independence of the Confederate States by the Governments to which they have been accredited.

*Resolved*, That the said committee do further inquire whether it is not expedient that the exportation of our agricultural productions should be prohibited to any nations not having amicable relations with the Confederate States by treaty stipulations.

Mr. Mason offered the following resolution; which was agreed to, viz:

*Resolved*, That the President of Congress provide by proper regulations for the execution of such printing as Congress may direct to be printed confidentially.

Mr. Brockenbrough offered the following resolution; which was agreed to, viz:

*Resolved*, That the Committee of Naval Affairs be instructed to inquire into and report upon the expediency of so amending the act organizing the Navy of the Confederate States as to make provision for officers who have resigned their offices in the revenue service of the late United States in consequence of the secession of the Confederate States or any of them from the Union. And that said committee be further instructed to inquire into the expediency of conferring, by resolution or otherwise, a commission of lieutenant in the Navy of the Confederate States upon Bushrod W. Frobel, late a lieutenant in the revenue service of the United States.

Mr. Staples offered the following resolution; which was agreed to, viz:

*Resolved*, That the Committee on Finance inquire into the expediency of providing by law for the compensation of persons employed in the year eighteen hundred and sixty in taking the census in the Confederate States.

Mr. Chilton, from the Committee on Postal Affairs, to whom was referred the resolution of inquiry respecting the transmission through the mails of letters and packages to and from the officers, musicians, and privates of the Army of the Confederate States free of postage, reported that the committee deemed it inexpedient to pass such a law, but recommended the passage of

A bill relating to the prepayment of postage in certain cases; which was taken up and read the first and second times.

Mr. Hemphill moved to amend the same by adding the following additional section, to wit:

That on letters or other mail matter transmitted by a member of Congress with his official signature indorsed on the same, prepayment of postage shall not be required, but the same may be paid on delivery of the mail matter thus transmitted.

On motion of Mr. Conrad, the amendment as amended was restricted in its operation and effect to "letters" transmitted by members of Congress.

Upon agreeing to the amendment as amended, Mr. Rhett demanded the question; which was seconded, and the vote having been taken by States, is as follows, viz:

Yea: Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia.

Nay: Alabama.

The amendment as amended was agreed to.

Mr. Reagan moved to amend the first section of the bill providing that persons in the Army may send letters without prepaying postage on same, etc., by adding the following proviso, viz:

*Provided*, This section of this act shall only continue in force until the Post-Office Department shall supply the deputy postmasters with the postage stamps.

The motion was lost.

Mr. Chilton moved to amend the bill by adding the following as the second section, viz:

That letters and other mail matter sent to any officer, musician, or private in the Confederate States Army at any point from which the said officer, musician, or private may have been lawfully removed, shall be forwarded to the person to whom directed at the post-office nearest which he may have been removed free of additional postage.

The motion prevailed.

Mr. T. R. R. Cobb moved to amend the bill by adding the following additional section, viz:

That all postage shall be payable in the funds with which the Government of the Confederate States discharges its liabilities in the State where the postage is paid.

Pending discussion thereon,

On motion of Mr. Kenner,

Congress adjourned until 12 m. to-morrow.

## SEVENTH DAY SATURDAY, JULY 27, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Moore.

The Chair then announced that, in pursuance of a rule of the House, Congress would go into secret session.

### SECRET SESSION.

Congress being in secret session, the unfinished business of yesterday was resumed, to wit: the amendment offered by Mr. T. R. R. Cobb of Georgia to the postal bill reported by Mr. Chilton, chairman of the Postal Committee.

Mr. Cobb having withdrawn his amendment, the bill was engrossed, read the third time, and passed.

Mr. Smith of Alabama offered

A resolution instructing the Committee on Printing to have printed for the use of Congress the accompanying documents to the President's message;

which was agreed to.

Mr. Sparrow of Louisiana offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of adopting some legislation to protect the secret proceedings of Congress from publication in the public newspapers, and to report by bill or otherwise;

which was agreed to.

Mr. Kenner of Louisiana presented the memorial of John O. Moran, a mechanic of New Orleans, praying payment for work done on

custom-house in that city; which was referred to Committee on Claims, without being read.

Mr. Davis of North Carolina presented a memorial of George McDuffie, a mail contractor in North Carolina, praying payment of moneys due for carrying mails in that State; which was referred to Committee on Postal Affairs, without being read.

Mr. Davis of North Carolina introduced

A resolution instructing the Committee on the Judiciary to inquire into the expediency of rescinding that clause of the Provisional Constitution which prohibits the States from emitting bills of credit; which was agreed to.

Mr. Keitt of South Carolina introduced

A resolution instructing the Committee on Foreign Affairs to inquire into the expediency of reporting a bill to prevent the exportation of cotton, tobacco, and naval stores; which was agreed to.

Mr. Chesnut of South Carolina offered

A bill to provide additional field officers to volunteer battalions, and to provide for the appointment of an assistant adjutant-general to the Provisional Army; which was read the first and second times and referred to Committee on Military Affairs.

Mr. Ochiltree of Texas offered

A resolution instructing Committee on Postal Affairs to inquire into the expediency of extending the franking privilege to Mrs. Polk, widow of ex-President James K. Polk; which was agreed to.

Mr. Waul of Texas introduced

A bill to establish a bureau of army intelligence; which was read the first and second times and referred to Committee on Military Affairs.

Mr. Mason of Virginia offered

A resolution instructing the Committee on the Judiciary to report a bill to make temporary provision for naturalizing as citizens of the Confederate States persons now citizens of the States of Kentucky, Missouri, Maryland, and Delaware, respectively, as may desire so to become; which was read and agreed to.

Mr. Russell of Virginia offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of defining and regulating citizenship with reference to the cases of persons born in these States, but who have become citizens of Northern States and have recently returned, persons who come from other States to enter into the service of these States, persons residing now in these States, but born in Northern States, and such other cases as may require regulation by law; which was read and agreed to.

Mr. Brockenbrough of Virginia offered

A resolution requesting the Secretary of War to inform Congress whether his Department has made contracts for the manufacture of powder of the different grades and varieties required in the military service of the Confederate States, whether the persons with whom such contracts have been made have yet fulfilled their contracts in whole or in part, and whether they are actually engaged in the exe-



cution of their contracts, and whether they possess the requisite material and means for the energetic and prompt execution thereof; which was read and agreed to.

Mr. Waul of Texas offered

A resolution requesting the Secretary of War to furnish for the use of Congress a complete list of all appointments made in the permanent army of the Confederate States, with the rank and date of the appointment, the State of the appointee, and when the appointee is a resigned officer of the United States Army at the time of his resignation the date of his commission or appointment and the State from which appointed; which was read and agreed to.

Mr. Perkins of Louisiana offered

A resolution appointing a committee of three to confer with the Executive Departments of the Government and to obtain information if any further legislation is needed for their disposition, and also as to the propriety of removing them from the Capitol.

The resolution was not agreed to.

Mr. Harris of Mississippi offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That when the President of Congress shall be absent the Honorable A. H. Stephens, of Georgia, be authorized to discharge all the duties of the President of Congress.

There being no other business before the House, the Calendar was taken up, the first business thereon being the resolution of Mr. Conrad of Louisiana to appoint a committee to inquire into and report the amount of small arms and munitions of war now in possession and already distributed by the Government.

On motion, the blank in the resolution was filled with the word "five," and the resolution read and agreed to.

The committee appointed by the Chair is as follows, viz:

Messrs. Conrad of Louisiana, Rives of Virginia, Chesnut of South Carolina, Smith of Alabama, and Harris of Mississippi.

On motion of Mr. Keitt of South Carolina.

Congress then adjourned until 12 o'clock Monday morning.

## EIGHTH DAY—MONDAY, JULY 29, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Duncan.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Macfarland of Virginia, from the special committee appointed relative to the wounded at the battle of Manassas, reported the following resolution, to wit:

A resolution to dispose of donations made by certain churches on the late fast day; which was read the first and second times, engrossed, read a third time, and passed.

Mr. Shorter of Alabama, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act relative to the prepayment of postage in certain cases.

Mr. Thomason of Arkansas presented a memorial upon the subject of a fee bill for Government marshals; which was referred to the Committee on the Judiciary.

Mr. Thomason of Arkansas offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of establishing a uniform fee bill for marshals and clerks in the district courts, and to report by bill; which was read and agreed to.

Mr. Thomason of Arkansas offered

A resolution instructing the Committee on the Judiciary to inquire into the propriety of longer detaining prisoners now in custody and further prosecuting persons bound by recognizance to answer charges now pending, by indictment or otherwise, for the violation within the Indian country of any of the laws of the United States regulating trade and intercourse with the Indian tribes, and to report by bill; which was read and agreed to.

Mr. Thomason of Arkansas offered

A resolution instructing the Committee on the Judiciary to inquire whether or not jurisdiction in cases of libel against steamboats and other vessels designed for the navigation of the navigable waters within the Confederate States should be conferred on the district courts thereof, and to report by bill; which was read and agreed to.

Mr. Kenner of Louisiana introduced

A bill relative to money deposited in the registries of the courts; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Kenner of Louisiana offered two resolutions, the first requesting the President of the Confederate States to prevent, by military authority, the accumulation of cotton in cities, towns, and other places during the blockade, and the second requesting the Secretary of the Treasury to extend the time for the payment of subscriptions to the produce loan.

On motion of Mr. Barnwell of South Carolina, the first resolution was referred to the Committee on Military Affairs and the second to the Committee on Finance.

Mr. Conrad of Louisiana offered

A resolution requesting the President to transmit to this body as early as practicable a copy of a report recently made to him by Burton, superintendent of the armory in this place, relative to an application made by certain parties in Louisiana and Tennessee to borrow a portion of the machinery in said armory; which was read and agreed to.

Mr. Conrad of Louisiana offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of reporting a bill to secure the more speedy and regular transportation of troops and military and naval supplies by railroad; which was read and agreed to.

Mr. Perkins of Louisiana introduced

A bill to suspend the collection of duties on imports into the Con-

federate States from all countries except the United States, and for other purposes; which was read the first and second times and referred to the Committee on Finance.

Mr. Maul of Texas introduced

A bill to amend an act to establish the judicial courts of [the Confederate States of] America; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Bocock of Virginia offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of providing by law some uniform method of ascertaining losses sustained by reason of depredations and seizures of the enemy upon the property of true and loyal citizens of any of the Confederate States; which was read and agreed to.

Mr. Barnwell of South Carolina, from the Committee on Finance, reported back a resolution offered by Mr. Staples of Virginia relative to the payment of persons employed in taking the census, with the request that it be referred to the Committee on Claims.

The resolution was so referred.

Mr. Barnwell of South Carolina, from the Committee on Finance, reported

A bill to extend the provisions of an act entitled "An act to prohibit the exportation of cotton from the Confederate States, except through the seaports of said States, and to punish persons offending therein," approved May 21, 1861.

The consideration of which, after first and second readings, on motion of Mr. Macfarland of Virginia, was postponed, and the bill ordered to be placed upon the Calendar and printed.

Mr. Smith of Alabama, from the Committee on the Judiciary, reported

A bill to be entitled "An act making temporary provision for naturalizing as citizens of the Confederate States such persons now citizens of the States of Kentucky, Missouri, Maryland, and Delaware as may desire so to become;"

which was read the first and second times and the further consideration of which was, on motion, postponed, and the bill ordered to be placed upon the Calendar and printed.

Mr. T. R. R. Cobb of Georgia, from the Committee on the Judiciary, to whom was referred a resolution to protect the secret proceedings of Congress from publication in the daily journals, reported that the committee did not consider it necessary to legislate upon the subject, and begged that they may be discharged from the further consideration of the same, and that the resolution lie on the table; which was agreed to.

Mr. T. R. R. Cobb of Georgia, from the Committee on the Judiciary, to whom was referred

A resolution relative to naturalizing as citizens of the Confederate States persons of Northern birth or residence, reported that said committee deemed it inexpedient to legislate upon that subject, and begged that they may be discharged from the further consideration of the same, and that the resolution lie upon the table; which was agreed to.

Mr. T. R. R. Cobb of Georgia, from the Committee on the Judiciary, to whom was referred a resolution in reference to amending the

eighth section of the first article of the Constitution of the Provisional Government of the Confederate States of America, reported

A bill to amend the eighth section of the first article of the Constitution of the Provisional Government of the Confederate States of America:

which was read the first and second times.

On motion of Mr. Chesnut of South Carolina, the consideration of the report was postponed until to-morrow, and the bill ordered to be placed upon the Calendar.

Mr. Miles, from the Committee on Military Affairs, to whom was referred resolutions relative to the First Regiment of North Carolina Volunteers, reported back the same and recommended their passage.

The resolutions were then read the first and second times, engrossed, read a third time, and passed.

Mr. Miles, from the Committee on Military Affairs, reported unfavorably upon the bill of Mr. Wright of Georgia, entitled "An act to amend the eighth section of an act to provide for the public defense," and asked to be discharged from the further consideration of the same.

On motion of Mr. Stephens of Georgia, the further consideration of the bill was postponed until to-morrow, and ordered to be placed upon the Calendar.

Mr. Miles, from the Committee on Military Affairs, reported unfavorably upon

A bill to establish a bureau of army intelligence.

On motion of Mr. Stephens of Georgia, the further consideration of the same was postponed until to-morrow, and the bill placed upon the Calendar.

Mr. Chilton, from the Committee on Postal Affairs, reported unfavorably upon two resolutions, conferring the franking privilege upon ex-President John Tyler and Mrs. Polk, widow of ex-President James K. Polk.

On motion of Mr. Seddon of Virginia, the resolutions were laid on the table.

Mr. Sparrow of Louisiana introduced an act to amend the two acts mentioned in the body of the bill; which was referred to the Committee on Military Affairs.

On motion of Mr. Keitt of South Carolina,

Congress then adjourned until 12 o'clock to-morrow.

#### EXECUTIVE SESSION.

Congress having resolved itself in executive session,

Mr. Chilton, from the Committee on Postal Affairs, to whom was referred the communication of the President transmitting for the advice and consent of Congress a list of appointments for postmasters at the places severally designated, reported that the committee recommended that Congress advise and consent to the nominations therein made.

Mr. Conrad moved that the consideration of the nomination of J. M. Reid, for postmaster at New Orleans, La., be postponed for the present. The motion prevailed.

Congress then advised and consented to the nominations as reported.

Mr. Venable moved to reconsider the action of Congress on the nomination of George T. Cook for postmaster at Raleigh, N. C.

Congress resumed secret session.



## NINTH DAY—TUESDAY, JULY 30, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Seeley.

Congress resolved itself in secret session.

## SECRET SESSION.

Mr. McRae of Alabama, from the Committee on Enrollment, reported as correctly enrolled two resolutions, one in reference to donations from certain churches, and the other in relation to the First Regiment of North Carolina Volunteers.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that he had on yesterday approved and signed

An act relating to the prepayment of postage in certain cases.

Mr. Stephens of Georgia moved that the injunction of secrecy be removed from the postal bill approved and signed by the President, and that the same be published in the daily journals of the city, and that any charge for said publishing be paid for out of the contingent fund; which was agreed to.

Mr. Kenan of Georgia offered

A resolution requesting the Secretary of War to have a copy of an act entitled "An act in relation to the prepayment of postage in certain cases" to be forwarded to each of the colonels in command of the Confederate forces, with instructions to have the same read to all the companies of their command; which was read and agreed to.

The Chair presented a communication from the Secretary of the Treasury, containing estimates and accompanying documents; which were read and referred to the Committee on Finance.

The Chair presented a communication from the Secretary of the Treasury; which, on motion of Mr. Chesnut of South Carolina, was referred to the Committee on Finance and one copy for each member ordered to be printed.

Mr. Thomason of Arkansas introduced

A resolution directing the Committee on the Judiciary to inquire into the importance of providing by law for the protection of such of the citizens of Missouri, Kentucky, Maryland, Delaware, and the District of Columbia as may be taken prisoners by the United States, because of their sympathy with or aid given to these Confederate States in the great struggle in which they are now engaged for the establishment of liberty and independence, and report by bill, etc.; which was read and agreed to.

Mr. Perkins of Louisiana presented the memorial of William Carter; which was referred to the Committee on Claims.

Mr. Harris of Mississippi offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of conferring certain rank on chaplains in the Army, and to report by bill, etc.; which was read and agreed to.

Mr. Rhett of South Carolina offered resolutions instructing the Committee on Foreign Affairs to inquire into the expediency of laying a

duty of 15 per cent ad valorem, in addition to the duties imposed by the tariff law of 21st day of May, 1861, on all wares, goods, and merchandise imported from any of the United States into the Confederate States: *Provided, however,* That the productions made free of duty by any laws now existing shall not be amenable to the above-proposed tax; and that the same committee inquire into the expediency of prohibiting the entrance of any goods, wares, or merchandise, the production or manufacture of European nations, into the Confederate States from any portion of the United States.

Mr. Hunter of Virginia introduced a preamble and resolutions defining the position of the Confederate States on points of maritime law, as laid down by the Congress of Paris of 1856; which were read and referred to the Committee on Foreign Affairs.

Mr. Chesnut of South Carolina introduced

A bill to authorize the distribution of the proceeds of the sale of the ship A. B. Thompson, condemned as a prize; which was read first and second times and referred to the Committee on Naval Affairs.

Mr. Chesnut of South Carolina introduced

A bill to increase the number of sergeants in all light infantry companies.

Mr. Conrad of Louisiana introduced

A resolution requesting the President to transmit to Congress any information in his possession in relation to the sailing of a flotilla of iron gunboats down the Mississippi River, and whether any preparations have been made to resist the same; which was read and agreed to.

Mr. Rhett of South Carolina, from the Committee on Foreign Affairs, reported in part as follows, to wit:

That the committee deem it expedient to postpone for the present the consideration of two resolutions referred to them—the first, inquiring into the expediency of permitting consuls of foreign nations accredited to the United States to perform the duties of their offices in the ports of the Confederate States, and the second, inquiring into the expediency of prohibiting the exportation of our agricultural productions to any nations not having friendly relations with us, and that the resolutions be laid on the table;

which was agreed to.

Mr. T. R. R. Cobb, from the Committee on the Judiciary, to whom was referred

A resolution inquiring into the expediency of conferring upon the district courts jurisdiction in cases of libel of steamboats and other vessels designed for the navigation of the navigable rivers of the Confederate States,

reported adversely to the same, and begged to be discharged from the further consideration, and that the resolution lie on the table; which was agreed to.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that he had this day approved

A resolution to dispose of donations made by certain churches on the late fast day; also

Resolutions in relation to the First Regiment of North Carolina Volunteers.

Mr. T. R. R. Cobb of Georgia, from the Committee on the Judiciary, to whom was referred

A resolution instructing said committee to inquire into the propriety of longer detaining United States prisoners held for offenses committed in the Indian country, etc., reported adversely to the resolution, asked to be discharged from the further consideration of the same, and that the resolution lie on the table; which was agreed to.

Mr. T. R. R. Cobb of Georgia, from the Committee on the Judiciary, reported back

A bill relative to moneys deposited in the registries of the courts, with the recommendation that it pass with the amendments offered by the committee.

The bill was engrossed, read a third time, and passed as amended.

Mr. Smith of Alabama, from the Committee on the Judiciary, reported

A bill further to amend an act entitled "An act to establish the judicial courts of the Confederate States of America;" which was read the first and second times, engrossed, read a third time, and passed.

Mr. Smith of Alabama, from the Committee on the Judiciary, reported

A bill to be entitled "An act providing penalties for violating the provisions of an act approved May twenty-first, eighteen hundred and sixty-one, entitled 'An act to authorize certain debtors to pay the amounts due by them into the Treasury of the Confederate States;'" which, on motion, was ordered to be printed and placed upon the Calendar.

Mr. Miles of South Carolina, from the Committee on Military Affairs, reported back the claim of Doctor Hill, with the request that it be referred to the Committee on Claims.

The report was agreed to.

Mr. Miles of South Carolina, from the Committee on Military Affairs, reported back a letter from certain railroads in Virginia, with the request that it be referred to the Secretary of War, and that he be requested to publish the same; which was agreed to.

Mr. T. R. R. Cobb of Georgia, from the Committee on Printing, reported that the committees to whom the several reports of the Departments were referred having been authorized to print such portions of them as they deemed necessary, he had been instructed to move the reconsideration of the resolution on printing passed on Saturday.

The report was disagreed to.

Mr. Memminger of South Carolina introduced

A bill to be entitled "An act to make provision for the care of supplies for the sick and wounded;" which was read the first and second times and referred to Committee on Military Affairs.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, transmitting to Congress copy of the instructions to commissioners in Europe, with such portion of their correspondence as is deemed advisable to communicate at this time; which were read and referred to Committee on Foreign Relations.

On motion of Mr. Keitt of South Carolina,

Congress then adjourned until 12 o'clock to-morrow morning.

## EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented a communication from the President, transmitting, for the advice and consent of the Congress, lists of appointments for the Navy and Marine Corps of the Confederate States of America, which are as follows, viz:

James W. Cooke, of North Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Charles F. M. Spotswood, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William L. Maury, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Robert B. Pegram, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Carter B. Poindexter, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Henry H. Lewis, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

George W. Harrison, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William A. Wayne, of Georgia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Peter U. Murphy, of North Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Isaac N. Brown, of Mississippi, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Catesby ap R. Jones, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John J. Guthrie, of North Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Joseph N. Barney, of Maryland, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Van Rensselaar Morgan, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Edward L. Winder, of Maryland, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John Wilkinson, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Charles M. Fauntleroy, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William B. Fitzgerald, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John S. Maury, of North Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Reginald Fairfax, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William A. Webb, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Charles C. Simms, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

John W. Bennett, of Maryland, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Augustus McLaughlin, of Maryland, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William H. Parker, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William L. Powell, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William H. Murdaugh, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

James H. Rochelle, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Robert D. Minor, of Missouri, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.



David P. McCorkle, of the District of Columbia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

William Sharp, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Charles P. McGary, of North Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Hunter Davidson, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Robert R. Carter, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Oscar F. Johnston, of Tennessee, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Beverly Kennon, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

F. E. Shepperd, of North Carolina, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

Joseph W. Alexander, of Virginia, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy of the Confederate States.

French Forrest, of Virginia, late a captain in the Navy of the United States, to be a captain in the Navy of the Confederate States.

George N. Hollins, of Maryland, late a captain in the Navy of the United States, to be a captain in the Navy of the Confederate States.

Samuel Barron, of Virginia, late a captain in the Navy of the United States, to be a captain in the Navy of the Confederate States.

William F. Lynch, of Virginia, late a captain in the Navy of the United States, to be a captain in the Navy of the Confederate States.

Isaac S. Sterrett, of Maryland, late a captain in the Navy of the United States, to be a captain in the Navy of the Confederate States.

Lloyd J. Beall, of Maryland, late a paymaster in the Army of the United States, to be a colonel of the Marine Corps of the Confederate States.

Henry B. Tyler, of Virginia, late adjutant and inspector of the Marine Corps of the United States, to be lieutenant-colonel of the Marine Corps of the Confederate States.

George H. Terrett, of Virginia, late a captain of the Marine Corps of the United States, to be major of the Marine Corps of the Confederate States.

John D. Simms, of Virginia, late a captain in the Marine Corps of the United States, to be a captain in the Marine Corps of the Confederate States.

Israel Greene, of Virginia, late a first lieutenant in the Marine Corps of the United States, to be a captain in the Marine Corps of the Confederate States.

George Holmes, of Florida, late a first lieutenant in the Marine Corps of the United States, to be a captain in the Marine Corps of the Confederate States.

Adam N. Baker, of Florida, late a first lieutenant in the Marine Corps of the United States, to be a first lieutenant in the Marine Corps of the Confederate States.

George P. Turner, of Virginia, late a first lieutenant in the Marine Corps of the United States, to be a first lieutenant of the Marine Corps of the Confederate States.

E. Cantey Stockton, of South Carolina, to be a second lieutenant in the Marine Corps of the Confederate States.

James R. Y. Fendall, of Mississippi, to be a second lieutenant in the Marine Corps of the Confederate States.

Wilbur F. Johnson, of Georgia, to be a second lieutenant in the Marine Corps of the Confederate States.

Edmund J. Lloyd, of Virginia, to be a second lieutenant in the Marine Corps of the Confederate States.

William F. Patton, of Virginia, late a surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

George Blacknall, of North Carolina, late a surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

Lewis W. Minor, of Virginia, late a surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

William F. McClenahan, of Virginia, late a surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

Daniel S. Green, of Virginia, late a surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

John T. Mason, of Virginia, late a surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

William B. Sinclair, of Virginia, late a surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

R. F. Mason, of Virginia, late a surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

James F. Harrison, of Virginia, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

D. B. Phillips, of Virginia, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

Charles H. Williamson, of Virginia, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

William E. Wysham, of Maryland, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

Daniel B. Conrad, of Virginia, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

H. W. M. Washington, of Virginia, late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States.

Algernon S. Garnett, of Virginia, late an assistant surgeon in the Navy of the United States, to be an assistant surgeon in the Navy of the Confederate States.

Frederick Van Bibber, of Maryland, late an assistant surgeon in the Navy of the United States, to be an assistant surgeon in the Navy of the Confederate States.

John W. Sandford, jr., of North Carolina, late an assistant surgeon in the Navy of the United States, to be an assistant surgeon in the Navy of the Confederate States.

Bennett W. Green, of Virginia, late an assistant surgeon in the Navy of the United States, to be an assistant surgeon in the Navy of the Confederate States.

Joseph D. Grafton, of Arkansas, late an assistant surgeon in the Navy of the United States, to be an assistant surgeon in the Navy of the Confederate States.

Charles M. Morfit, of Virginia, late an assistant surgeon in the Navy of the United States, to be an assistant surgeon in the Navy of the Confederate States.

R. R. Gibbes, of South Carolina, to be an assistant surgeon in the Navy of the Confederate States.

Sidney Smith Lee, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

William C. Whittle, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Robert D. Thorburn, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Robert G. Robb, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Murray Mason, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

William W. Hunter, of Louisiana, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Archibald B. Fairfax, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

William McBlair, of Maryland, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Richard L. Page, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Frederick Chatard, of Maryland, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Arthur Sinclair, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Charles H. Kennedy, of North Carolina, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Matthew F. Maury, of Tennessee, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

John R. Tucker, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Thomas J. Page, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

George Minor, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Robert F. Pinkney, of Maryland, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Thomas R. Rootes, of Georgia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

James L. Henderson, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

William T. Muse, of North Carolina, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Thomas T. Hunter, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

Charles F. McIntosh, of Virginia, late a commander in the Navy of the United States, to be a commander in the Navy of the Confederate States.

William P. Williamson, of Virginia, late a chief engineer in the Navy of the United States, to be a chief engineer in the Navy of the Confederate States.

Michael Quinn, of Virginia, late a chief engineer in the Navy of the United States, to be a chief engineer in the Navy of the Confederate States.

James H. Warner, of Virginia, late a chief engineer in the Navy of the United States, to be a chief engineer in the Navy of the Confederate States.

Thomas A. Jackson, of Virginia, late a chief engineer in the Navy of the United States, to be a chief engineer in the Navy of the Confederate States.

Virginius Freeman, of Virginia, late a first assistant engineer in the Navy of the United States, to be a chief engineer in the Navy of the Confederate States.

John De Bree, of Virginia, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

Thomas R. Ware, of Virginia, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

James A. Semple, of Virginia, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

John Johnston, of North Carolina, late a paymaster in the Navy of the United States, to be a paymaster in the Navy of the Confederate States.

The communication was referred to the Committee on Naval Affairs.

The Chair laid before Congress a communication from the President, transmitting a nomination for appointment in the Army of the Confederate States, viz:

Gen. G. T. Beauregard, of Louisiana, to date from the 21st July, 1861.

On motion of Mr. Waul, Congress advised and consented to the nomination unanimously.

Congress resolved itself in legislative session.

## TENTH DAY—WEDNESDAY, JULY 31, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Read.

Congress then resolved itself in secret session.

### SECRET SESSION.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn.

Mr. Johnson of Arkansas offered the following resolution:

*Resolved*, That a committee be appointed whose duty it shall be to confer with the War Department and to report what additional clerical force, if any, may be needed in that Department, for the prompt dispatch of public business.

Mr. Stephens of Georgia offered the following resolution as an amendment to the resolution of Mr. Johnson, to wit:

*Resolved*, That the heads of the various Departments be requested to set apart certain hours in the day for the transaction of business with the members of Congress, to the exclusion of other business.

Mr. Brooke of Mississippi moved to lay the resolution and amendment on the table; which motion was lost.

Mr. Stephens demanded the question; which was upon agreeing to the amendment as offered by him.



The call for the question being sustained, the question was put and the amendment agreed to.

The original question was then put, to wit: upon agreeing to the resolution of Mr. Johnson, and the resolution was agreed to.

Mr. Curry of Alabama offered

A resolution instructing the Committee on the Judiciary to inquire whether any legislation is necessary to enable persons, citizens of the Confederate States, who, at the commencement of the war, were in partnership with persons who are alien enemies, to collect partnership claims and to dispose of partnership effects, and to report by bill or otherwise;

which was read and agreed to.

Mr. McRae of Alabama presented the memorial of Thomas Ellison, of Alabama; which was referred to the Committee on Claims, without being read.

Mr. Russell of Virginia presented the memorial of Peters & Reed, of Portsmouth, Va.; which was referred to the Committee on Finance, without being read.

Mr. Nisbet of Georgia introduced

A resolution instructing the Committee on Foreign Affairs to inquire into the expediency of providing by law for sending and accrediting ministers of the Confederate States to the several Governments of England, France, and Spain; which was read and agreed to.

The Chair presented a communication from the President, transmitting to Congress the report of Lieut. Col. James H. Burton, superintendent of the armory in Richmond; which was read and referred to Committee on Military Affairs.

The Chair presented a communication from the President; which was read and referred to the Committee on Naval Affairs as follows, to wit:

RICHMOND, *July 30, 1861.*

HON. HOWELL COBB,

*President of Confederate Congress, C. S. A.*

SIR: I have the honor to acknowledge the resolution of inquiry of this date in relation to hostile preparations for descent of the river Mississippi, and whether preparations for defense against such threatened attack have been made, with advice as to the mode of adopting a plan for that purpose, and in reply have to state that the only information I have in relation to the described preparations for descent, is derived from public newspapers and rumors; they had, however, such stamp of credibility as to induce to measure to repel the attack if attempted. Estimates have been prepared by the Secretary of the Navy for means described in the accompanying report, and which, in conjunction with the land batteries constructed and others devised, will, it is hoped, be adequate for the needful protection.

JEFFERSON DAVIS.

The Chair presented a communication from the President, transmitting to Congress a joint resolution of the legislature of the State of Tennessee in relation to the defense of the Mississippi Valley; which was read and referred to the Committee on Naval Affairs.

Mr. Chesnut, from the Committee on Naval Affairs, presented

A bill to authorize the distribution of the proceeds of the sale of the ship A. B. Thompson as a prize; which was engrossed, read third time, and passed.

Mr. Shorter of Alabama, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act in relation to money deposited in the registries and receivers of the courts; also



An act further to amend an act entitled "An act to establish the judicial courts of the Confederate States of America."

Mr. T. R. R. Cobb, from the Committee on the Judiciary, reported back

An act to amend an act to establish the judicial courts of the Confederate States of America,  
with the recommendation that it pass.

The bill was engrossed, read third time, and passed.

Mr. T. R. R. Cobb of Georgia, from the Committee on the Judiciary, to whom was referred

A resolution inquiring into the expediency of protecting by law citizens of the States of Missouri, Kentucky, Maryland, Delaware, and the District of Columbia who may be taken prisoners by the United States Government on account of their sympathies with the Confederate States in the present struggle,

reported that the committee deemed an act already in force sufficient for the protection of the parties referred to, and asked to be discharged from the further consideration of the same, and that the resolution lie on the table; which was agreed to.

Mr. Harris of Mississippi, from the Committee on the Judiciary, reported

A bill entitled "An act respecting alien enemies,"  
with the request that the same be printed and placed on the Calendar.

Mr. Miles of South Carolina, from the Committee on Military Affairs, reported back the memorial of Samuel Jones, colonel in the Provisional Army, with the request that it be referred to the Committee on Claims; which was agreed to.

Mr. Miles of South Carolina, from the Committee on Military Affairs, reported back a letter from General Fauntleroy in regard to the pay of resigned officers, asked to be discharged from the further consideration of the same, and that the letter be referred to the Committee on the Judiciary; which was agreed to.

Mr. Gregg of Texas, from the Committee on Claims, reported

A bill to be entitled "An act to provide a mode of authenticating claims for money against the Confederate States not otherwise provided for."

Mr. T. R. R. Cobb of Georgia moved to reconsider the vote referring the letter of General Fauntleroy to the Committee on the Judiciary.

The motion prevailed.

There being no other business before Congress, the Calendar was taken up, when Mr. Wright of Georgia called for the consideration of

A bill to be entitled "An act to amend the eighth section of an act to provide for the public defense."

Mr. Miles of South Carolina moved to recommit the bill to the Committee on Military Affairs.

The motion prevailed.

The Congress took up for consideration the bill to prevent the importation of African negroes from any foreign country other than the slaveholding States of the United States, and to punish persons offending therein.

The fourth section thereof having been read, as follows:

SEC. 4. In addition to the penalties and punishment herein prescribed for the violation of the previous sections of this act, every person so violating the same, and the owners of every vessel engaged in the importation of African negroes contrary to the provisions of this law, shall be liable to suit in any court of the Confederate

States, in which suit a sum may be demanded and recovered by action of debt, in the name of the Confederate States, sufficient to defray the expenses of said African negroes while in the Confederate States, and to pay the costs of transporting the negroes so imported in such vessel back to the kingdom, state, or country from which they were brought, in such manner as the court may direct, in which such recovery shall be had.

Mr. Harris, from the Committee on the Judiciary, moved to amend the same by striking out all after the word "brought" and inserting the following words, to wit:

Any person who shall be found in possession of any African negro or negroes, imported contrary to the provisions of this act, shall be liable to suit in like manner as hereinbefore directed, and to the recovery of such sum as may be requisite to carry such negro or negroes so found in his possession back to the kingdom, state, or country from which they were brought.

On motion of Mr. Keitt, the amendment was amended by inserting after the words "African negro or negroes" the words "knowing them to be."

The amendment as amended was agreed to, and the section as amended reads as follows, viz:

SEC. 4. In addition to the penalties and punishment herein prescribed for the violation of the previous sections of this act, every person so violating the same, and the owners of every vessel engaged in the importation of African negroes contrary to the provisions of this law, shall be liable to suit in any court of the Confederate States, in which suit a sum may be demanded and recovered by action of debt, in the name of the Confederate States, sufficient to defray the expenses of said African negroes while in the Confederate States, and to pay the costs of transporting the negroes so imported in such vessel back to the kingdom, state, or country from which they were brought. Any person who shall be found in possession of any African negro or negroes, knowing them to be imported contrary to the provisions of this act, shall be liable to suit in like manner as hereinbefore directed, and to the recovery of such sum as may be requisite to carry such negro or negroes so found in his possession back to the kingdom, state, or country from which they were brought.

Mr. Johnson of Arkansas moved to postpone the bill indefinitely.

The motion was lost.

Mr. Johnson of Arkansas moved to postpone the bill and make it the special order for Monday next.

The motion prevailed.

Congress took up for consideration the bill to regulate the purchase of stationery, blank books, etc., for custom-houses; which, on motion, was postponed for the present.

Congress took up for consideration the bill to change the law in relation to the clerical force of the War Department; which, on motion of Mr. Miles, was postponed for the present.

Congress took up for consideration the bill to extend the provisions of an act to prohibit the exportation of cotton from the Confederate States, etc., approved May 21, 1861; which, on motion of Mr. Macfarland, was postponed and made the special order of the day for to-morrow.

Congress took up for consideration the bill making temporary provision for naturalizing as citizens of the Confederate States such persons now citizens of the States of Kentucky, Missouri, Maryland, and Delaware, respectively, as may desire so to become.

The first section having been read,

On motion of Mr. Mason, the same was amended so as to include in the provisions thereof the citizens of the District of Columbia.

Mr. Hemphill moved to amend the section requiring the citizens of the States referred to therein to take an oath renouncing "all alle-

giance to the United States of America," etc., by striking out the word "allegiance" and inserting in lieu thereof the word "obedience."

The motion prevailed.

Mr. Waul, at the instance of the State of Texas, moved to reconsider the action of Congress on the motion of Mr. Hemphill, immediately preceding.

The motion prevailed.

The consideration of the bill, on motion of Mr. Mason, was then postponed for the present.

Mr. Ochiltree offered the following resolution; which was agreed to, viz:

*Resolved*, That the Committee on Postal Affairs inquire into the expediency of prohibiting by law the transmission of letters or other written communications from the Confederate States to any of the United States by express companies or individuals, except under such safeguards as may be provided by law.

On motion of Mr. Garland,

Congress adjourned until to-morrow, at 12 o'clock m.

#### EXECUTIVE SESSION.

Congress being in executive session.

Mr. T. R. R. Cobb, from the Committee on the Judiciary, to whom was referred the communication of the President, transmitting, on the 25th of July, 1861, a list of appointments for judges, attorneys, and marshals for the several districts therein respectively named, reported that the committee recommended that Congress advise and consent to nominations therein named.

The report was agreed to.

And Congress advised and consented to the nominations.

Congress resumed legislative session.

### ELEVENTH DAY—THURSDAY, AUGUST 1, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hoge.

Mr. Morton of Florida asked leave of absence for ten days for his colleague, Mr. Owens, on account of sickness in his family; which was granted.

Mr. Davis of North Carolina asked leave of absence for his colleague, Mr. McDowell; which was granted.

Mr. Macfarland of Virginia announced the presence of Mr. John Tyler, a Delegate from the State of Virginia, who appeared, was qualified, and took his seat.

Congress resolved itself in secret session.

#### SECRET SESSION.

Mr. Shorter of Alabama, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the distribution of the proceeds of the sale of the ship A. B. Thompson as a prize; and

An act to amend an act to establish the judicial courts of the Confederate States.

The Chair presented a communication from the Secretary of War, transmitting to Congress information in regard to contracts for the purchase and manufacture of powder, and a list of appointments of officers in the Army; which, on motion of Mr. Waul of Texas, were laid on the table and ordered to be printed.

Mr. Johnson moved to suspend the special order of the day, which was the consideration of a bill to prevent the exportation of cotton, tobacco, etc., for the call of the States and reports of committees; which was agreed to.

Mr. Johnson of Arkansas introduced

A resolution authorizing the Secretary of War to furnish certain troops of Missouri with quartermaster and commissary stores; which was read the first and second times and referred to the Committee on Military Affairs.

Mr. Johnson of Arkansas introduced

A resolution authorizing the Secretary of War to furnish transportation for certain troops; which was read the first and second times and referred to the Committee on Military Affairs.

Mr. Ward of Florida introduced

A resolution instructing the Committee on Military Affairs to inquire into the expediency of establishing a military road from Houston, on the Pensacola and Georgia Railroad in Florida, to the nearest point of the Savannah and Gulf road in Georgia, and to report by bill or otherwise;

which was agreed to.

Mr. Wright of Georgia presented a communication from Mr. Quillian relative to the mint at Dahlonega, Ga., and moved its reference to the Committee on Finance.

Mr. Barnwell of South Carolina moved to lay the communication on the table; which motion was lost.

Mr. Chesnut of South Carolina demanded the original question; and the demand being sustained, the original question, which was the reference of the communication to the Committee on Finance, was put and carried, and the communication was so referred.

Mr. Hill of Georgia presented a letter in relation to the mint at Dahlonega, Ga.; which was referred to the Committee on Finance, without being read.

Mr. Sparrow of Louisiana introduced

A resolution instructing the Committee on Military Affairs to inquire into the necessity of establishing a military road from Orange on the Sabine River to New Iberia on the Bayou Teche, in the State of Louisiana, and in what way said road can be made at the least expense to be useful and efficient, and to report by bill or otherwise; which was read and agreed to.

Mr. Perkins of Louisiana offered

A resolution relative to the adjournment of Congress; which was read and, on his own motion, laid on the table until to-morrow.

Mr. Campbell of Mississippi presented the memorial of T. J. Love, captain of the Rocky Point Rifles, Mississippi Volunteers; which was referred to the Committee on Claims, without being read.



Mr. Venable of North Carolina introduced

A resolution instructing the Committee on Military Affairs to inquire as to the propriety of allowing tobacco as a part of rations of soldiers and whether any legislation is necessary in order that such additional allowance be made, and to report by bill or otherwise;

which was read and agreed to.

Mr. Chesnut of South Carolina introduced

A resolution instructing the Committee on Military Affairs to inquire into and report on the expediency of so amending the law as to make it incumbent on the Government to supply the troops with shoes and clothing, instead of paying a certain amount of money to each soldier for that purpose, and also on the expediency of calling on the several States to supply each its own soldiers in the Confederate service with shoes and clothing, keeping an account of the same, to be settled with the Confederate Government at the end of the war;

which was read and agreed to.

Mr. Chesnut of South Carolina introduced

A resolution respectfully requesting the President to inform Congress, if in his judgment it shall not be inconsistent with the public service, as to the condition of the Subsistence Department, and whether or not he has received any authentic information going to show a want of sufficient and regular supply of food for the Army of the Confederate States, or any portion of it, now in the field;

which was agreed to.

Mr. Memminger of South Carolina offered

A resolution that the Committee on Finance be instructed to inquire into the expediency of removing coffee from the free list of the tariff act approved May 21, 1861;

which was agreed to.

Mr. Memminger introduced

A bill to be entitled "An act to authorize advances to be made in certain cases;"

which was read the first and second times and referred to Committee on Military Affairs.

Mr. Walter Preston of Virginia offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of authorizing the President of the Confederate States to give commissions for officers above the grade of captain to such persons as he may think fit to command volunteer regiments for the service of the Confederate States, to be composed of persons who may remove from Kentucky or Maryland for the purpose of enlisting; upon the condition, however, that such officers shall not hold rank or receive pay until such regiments have been raised and are ready to be mustered into service;

which was agreed to.

Mr. Davis of North Carolina introduced

A resolution instructing the Committee on Military Affairs to inquire into the expediency of appointing a director-general of hospitals.

Mr. Miles, from the Committee on Military Affairs, to whom was referred

A resolution making inquiry into the necessity of further legislation to insure the more speedy transportation of troops and military and naval supplies,

reported that no further legislation was necessary, and asked that the

committee be discharged from the further consideration of the same, and that the resolution lie on the table; which was agreed to.

Mr. Miles, from the Committee on Military Affairs, reported back

A bill to provide additional field officers to volunteer battalions, and to provide for the appointment of assistant adjutants-general for provisional forces, and recommended its passage.

The bill was engrossed, read the third time, and passed.

Mr. Miles, from the Committee on Military Affairs, reported back

An act to amend an act entitled "An act to make further provision for the public defense," approved May 11, 1861, and to amend an act entitled "An act to increase the military establishment of the Confederate States, and to amend the act for the establishment and organization of the Army of the Confederate States of America;" and recommended its passage.

Mr. Gregg of Texas offered the following amendment as an additional section to the bill, to wit:

SEC. 2. *Be it further, etc.,* That so much of said section of said act as allows the appointment of an additional lieutenant to each company of such battalion be, and the same is hereby, repealed; and for the future no such additional second lieutenant shall be appointed.

Mr. Kenan of Georgia moved that the vote on the amendment be taken by States.

Mr. Campbell of Mississippi moved that the bill and amendment be recommitted to the Committee on Military Affairs; which was lost.

The vote was then taken by States on the amendment, and resulted as follows, to wit:

Yea: Alabama, Georgia, Louisiana, South Carolina, and Texas, 5.

Nay: Florida, Mississippi, North Carolina, and Virginia, 4.

Divided: Arkansas, 1.

So the amendment was lost.

Mr. Hill demanded the original question, which was on the passage of the bill.

The call for the question being sustained, the bill was engrossed, read a third time, and passed.

Mr. Miles, from the Committee on Military Affairs, reported back

A bill to be entitled "An act to make provision for the care of supplies for the sick and wounded," and recommended its passage.

The bill was engrossed, read third time, and passed.

Mr. Miles, from the Committee on Military Affairs, reported the following resolution and recommended its passage:

*Resolved,* That the governors of the several States of the Confederacy are hereby earnestly requested to communicate as speedily as possible to Chief of Ordnance the number and description of small arms now in their possession, which were seized in the various United States arsenals in the said States; also the number and description sent out of the States and the places to which they have been forwarded, and, further, that they be requested to give information of the number of regiments in their respective States formed, or in process of formation, but not yet received into the service of the Confederate States.

The resolution was agreed to.

Mr. Kenan, from the Committee on Military Affairs, to whom was referred

A resolution to confer military rank upon chaplains in the Army,

reported unfavorably upon the same, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that on yesterday he had approved and signed

An act further to amend an act entitled "An act to establish the judicial courts of the Confederate States of America;" and that he had to-day approved and signed

An act relative to money deposited in the registries and receivers of the courts.

Mr. Macfarland of Virginia offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That a committee of three be appointed to inquire into the arrangements in this city for the comfort of the sick and wounded of the Army, and to suggest in relation thereto such measures as upon examination may appear to be appropriate.

The Chair announced the following as the committee under the foregoing resolution:

Messrs. Macfarland of Virginia, Davis of North Carolina, and Keitt of South Carolina.

On motion of Mr. Avery,

Congress then adjourned until 12 o'clock to-morrow.

#### EXECUTIVE SESSION.

Congress having resolved itself in executive session,

The Chair laid before Congress a communication from the President, transmitting the list of appointments; which is as follows, viz:

To be major-generals—David E. Twiggs, Georgia; Leonidas Polk, Louisiana.

To be brigadier-generals—A. R. Lawton, Georgia; M. L. Bonham, South Carolina; Charles Clark, Mississippi; W. W. Loring, Florida; John B. Floyd, Virginia; William H. T. Walker, Georgia; Henry R. Jackson, Georgia; Theophilus H. Holmes, North Carolina; Henry A. Wise, Virginia; Robert S. Garnett, Virginia; Earl Van Dorn, Mississippi; W. J. Hardee, Georgia; Richard S. Ewell, Virginia; David R. Jones, North Carolina; Barnard E. Bee, South Carolina; Benjamin Huger, South Carolina; J. B. Magruder, Virginia; John H. Winder, Maryland; James Longstreet, Alabama; E. Kirby Smith, Florida; J. C. Pemberton, Virginia; T. J. Jackson, Virginia; H. H. Sibley, Louisiana; Daniel S. Donelson, Tennessee; S. R. Anderson, Tennessee; Gideon J. Pillow, Tennessee; Daniel Harvey Hill, North Carolina; Jones M. Withers, Alabama; Richard H. Anderson, South Carolina; Benjamin F. Cheatham, Tennessee; F. K. Zollicoffer, Tennessee; Robert Toombs, Georgia; Samuel Jones, Virginia; W. H. C. Whiting, Mississippi; Arnold Elzey, Maryland; Jubal A. Early, Virginia.

The same was, on motion, referred to the Committee on Military Affairs; and

Congress resumed legislative session.

#### TWELFTH DAY—FRIDAY. AUGUST 2, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Henderson.

Congress then resolved itself in secret session.

#### SECRET SESSION.

Congress being in secret session, the special order was taken up; which was the consideration of

A bill to be entitled "An act to extend the provisions of an act to prohibit the exportation of cotton from the Confederate States, except through the seaports of said States, and to punish persons offending therein," approved May 21, 1861.

The bill was engrossed, read third time, and passed.

Mr. Sparrow, at the instance of the State of Louisiana, moved to reconsider the vote upon the passage of the bill; and the vote thereon having been taken by States, is as follows, to wit:

Yea: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Texas, and Virginia, 9.

Nay: South Carolina, 1.

So the motion to reconsider prevailed.

Mr. Sparrow, at the instance of the State of Louisiana, then moved to reconsider the vote upon ordering the bill to be engrossed.

The motion prevailed.

Mr. Perkins of Louisiana moved to amend by inserting after the word "tobacco," in the first section of the bill, the words "sugar, rice, molasses, and syrup."

Mr. Kenner moved to recommit the bill to the Committee on Finance, with instructions to report a general embargo bill.

Mr. T. R. R. Cobb moved to lay the amendment on the table.

Mr. Sparrow demanded the question, which was on agreeing to the motion of Mr. Cobb to lay the amendment on the table.

The demand for the question being sustained.

Mr. Kenner, at the instance of the State of Louisiana, called for the vote by States, and demanded that the yeas and nays of the whole body be recorded; which resulted as follows, to wit:

Yea: South Carolina and Texas, 2.

Nay: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and Virginia, 8.

Alabama—Yea: Mr. McRae. Nay: Messrs. Smith, Curry, Chilton, Shorter, and Jones.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Nay: Messrs. Morton and Ward.

Georgia—Yea: Messrs. T. R. R. Cobb and Stephens. Nay: Messrs. Nisbet, Hill, and Kenan.

Louisiana—Yea: Messrs. De Clouet and Kenner. Nay: Messrs. Perkins, Conrad, Sparrow, and Marshall.

Mississippi—Yea: Mr. Harris. Nay: Messrs. Brooke, Orr, Barry, Harrison, and Campbell.

North Carolina—Yea: Messrs. Ruffin and Davidson. Nay: Messrs. Smith, Venable, Morehead, Puryear, and Craige.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Miles, and Boyce.

Texas—Yea: Messrs. Hemphill, Waul, Oldham, and Ochiltree. Nay: Mr. Gregg.

Virginia—Yea: Messrs. Seddon and Preston. Nay: Messrs. Tyler, Macfarland, Bocoek, Rives, Scott, Brockenbrough, Russell, Staples, and Preston.

So the motion was lost.

Mr. Kenner called for the question, which was upon agreeing to his motion to recommit the bill.

The question being sustained, the motion was lost.



Mr. Campbell demanded the question, which was upon agreeing to the amendment to the bill; and the demand being sustained, the amendment was agreed to, and the bill as amended was engrossed, read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to make provision for the care of supplies for the sick and wounded;

An act to amend an act to make further provision for the public defense, approved 11th May, 1861, and to amend an act entitled "An act to increase the military establishment of the Confederate States, and to amend the act for the establishment and organization of the Army of the Confederate States of America;" and

An act to provide for an additional field officer to volunteer battalions, and for the appointment of assistant adjutants-general for the provisional forces.

A message was received from the President, through his Private Secretary, Mr. Josselyn, that on yesterday he had approved and signed

An act to authorize the distribution of the proceeds of the sale of the A. B. Thompson, condemned as a prize; also

An act to amend an act to establish the judicial courts of the Confederate States of America.

Also that he had on this day approved and signed

An act to make provision for the care of supplies for the sick and wounded; also

An act to provide for an additional field officer to volunteer battalions, and for the appointment of assistant adjutants-general for the provisional forces.

The Chair presented a communication from the President; which was read as follows, to wit:

RICHMOND, *August 1, 1861.*

HON. HOWELL COBB,

*President Congress of Confederate States.*

SIR: I have the honor to acknowledge the resolution of inquiry of this date in relation to the commissariat of the Confederate States, and to reply that its condition is in my judgment quite as good as was reasonable to expect.

The occupation of the railroads in the transportation of troops and munitions of war has interfered with the collection of the desired supply of bacon, but no complaint of a sufficiency of rations has reached me until within a few days past. I have been informed of a failure of issues to troops at Manassas. The chief commissary there has communicated to me that the failure was restricted to the articles of hard bread and bacon. As this, however, was not consistent with the complaint made, inquiries have been instituted as well to remedy any existing irregularities as to prevent such occurrence in future.

JEFF'N DAVIS.

Mr. Orr of Mississippi presented a claim of W. N. Pass & Co.; which was referred to the Committee on Claims, without being read.

Mr. Conrad presented the claim of Messrs. R. C. Cummings & Co.; which was referred to the Committee on Claims, without being read.

Mr. Russell offered the following resolution: which was read and referred to the Committee on Military Affairs, to wit:

*Resolved*, That the Secretary of War be requested to inform this House whether the officers commissioned in the provisional army of Virginia have been received into the service and pay of the Confederate States, and whether all the officers who resigned their offices in the Army of the United States upon the invitation of the convention of Virginia and been commissioned by Virginia, have been received into the service

and pay of the Confederate States, and if any of them have not been so received, to inform this House why they have not been received.

2. That the Secretary of the Navy be requested to furnish like information respecting officers of the Navy in like circumstances.

Mr. Rhett, from the Committee on Foreign Affairs, to whom was referred a series of resolutions touching points of maritime law decided by the Congress of Paris of 1856, reported the same back, with the recommendation that they pass.

On motion of Mr. Keitt, the resolutions were ordered to be laid on the table and printed.

Mr. Barnwell, from the Committee on Finance, reported

A bill to amend an act to provide revenue from commodities imported from foreign countries, approved May 21, 1861; which was read first and second times, engrossed, read third time, and passed.

Mr. Barnwell, from the Committee on Finance, reported

A bill to amend an act in relation to the issue of Treasury notes; which was read first and second times, engrossed, read third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to extend the provisions of an act entitled "An act to prohibit the exportation of cotton from the Confederate States, except through the seaports of said States, and to punish persons offending therein," approved May 21, 1861.

Mr. Barnwell of South Carolina, from the Committee on Finance, reported

A bill relative to entry and discharge of vessels; which was read the first and second times and, on motion, placed on the Calendar and ordered to be printed.

Mr. Perkins introduced

A resolution instructing the Committee on Printing to inquire and report why all the laws passed by Congress have not been published, and to designate those which are omitted;

which was read and agreed to.

On motion of Mr. Ochiltree,

Congress then adjourned until 12 o'clock to-morrow.

### THIRTEENTH DAY--SATURDAY, AUGUST 3, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Marshall.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act in relation to the issue of Treasury notes; and

An act to amend an act to provide revenue from commodities imported from foreign countries, approved May 21, 1861.

Mr. Barnwell, from the Committee on Finance, reported

A bill to be entitled "An act to authorize the issue of Treasury notes, and to provide a war tax for their redemption;" which, on motion, was placed on the Calendar, ordered to be printed, and made the special order of the day for Tuesday next.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to amend an act entitled "An act making appropriations for the support of the Navy for the year ending the fourth of February, eighteen hundred and sixty-two;" which was read first and second times, engrossed, read third time, and passed.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to provide for the construction of a newly invented implement of war; which was read first and second times and, on motion, placed on the Calendar.

Mr. Miles, from the Committee on Military Affairs, to whom was referred

A resolution inquiring into the expediency of allowing tobacco as a part of the rations of soldiers, reported back the same, asked to be discharged from the further consideration of the subject, and that the resolution lie on the table; which was agreed to.

Mr. Miles, from the Committee on Military Affairs, to whom was referred

A resolution inquiring into the expediency of conferring military rank upon chaplains in the Army, reported the same back, asked to be discharged from its further consideration, and that the resolution lie upon the table.

The vote upon agreeing to the report having been taken by States, resulted as follows, to wit:

Yea: Alabama, Arkansas, Georgia, Louisiana, North Carolina, South Carolina, Texas, and Virginia, 8.

Nay: Florida and Mississippi, 2.

So the report was agreed to.

Mr. Miles, from the Committee on Military Affairs, to whom was referred a communication from the President, together with the report of Lieutenant-Colonel Burton, superintendent of the armory in Richmond, reported back the same, asked to be discharged from its further consideration, and that the communication and report lie upon the table; which was agreed to.

Mr. Miles, from the Committee on Military Affairs, reported back

A bill to be entitled "An act to authorize advances to be made in certain cases," and recommended its passage with the following amendment from the committee, to wit:

After the words "authorizing the Secretary of War, with the approbation of the President, during the existence of the present war to make advances upon any contract" insert the words "not to exceed thirty-three and one-third per centum."

The amendment was agreed to, and the bill as amended was engrossed, read a third time, and passed.

Mr. Miles, from the Committee on Military Affairs, to whom was referred a resolution inquiring into the expediency of authorizing the

President to instruct the military officers in command of the several departments to prevent the accumulation of cotton at the various ports of the Confederacy during the blockade, reported that the committee deemed the proposed legislation as unnecessary, asked to be discharged from its further consideration, and that the resolution lie on the table.

Mr. Marshall of Louisiana demanded the question; which being sustained, the vote was taken and the report was agreed to.

Mr. Venable, at the instance of the State of North Carolina, moved to reconsider the vote by which the report of the Committee on Military Affairs concerning the issuance of tobacco as the part of rations to soldiers was agreed to.

The consideration of the motion was postponed for the present.

Mr. Brooke, from the Committee on Patents, reported

A bill to amend an act to establish a patent office, and to provide for the granting and issuance of patents for new and useful discoveries, inventions, improvements, and designs, approved May 21, 1861; which was read the first and second times, ordered to be placed on the Calendar, and printed.

Mr. T. R. R. Cobb, from the Committee on Printing, reported

A bill to provide for the safe custody, printing, publication, and distribution of the laws, and to provide for the appointment of an additional clerk in the Department of Justice; which was taken up, read first and second times.

Mr. Hemphill moved to amend by striking out the words "one dollar and a half," where it occurs in the bill, and to insert "two dollars."

The motion was lost.

Mr. Barnwell moved to amend by striking out in the seventh section the words "and the salary of the chief clerk shall be fifteen hundred dollars a year."

The amendment was agreed to.

Mr. Oldham moved to strike out the whole of the seventh section.

The motion did not prevail.

So the bill was engrossed, read third time, and passed as amended.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act entitled "An act making appropriations for the support of the Navy for the year ending fourth February, eighteen hundred and sixty-two."

Mr. Kenan introduced

A bill further to provide for the public defense; which was read the first and second times and referred to the Committee on Military Affairs.

Mr. Perkins called up the resolution offered by him, to wit:

*Resolved*, That Congress will adjourn on Wednesday, the thirteenth instant [*sic.*], to assemble again at Richmond on Tuesday, the first of October next, unless sooner called by the President to convene at some other time or place.

Mr. Campbell moved to amend by striking out the words "Tuesday, first of October next," and inserting "first Monday in December."

Mr. Bocock moved to amend the amendment by inserting in lieu of the words "first Monday in December" the words "Monday after the Presidential election."

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, that he had this day approved and signed



An act to amend an act entitled "An act making appropriations for the support of the Navy for the year ending fourth February, eighteen hundred and sixty-two."

Also that he had on yesterday approved and signed

An act to extend the provisions of an act entitled "An act to prohibit the exportation of cotton from the Confederate States, except through the seaports of said States, and to punish persons offending therein," approved May 21, 1861.

The President has this day approved and signed

An act to amend an act to make further provisions for the public defense, approved 11th May, 1861, and to amend an act entitled "An act to increase the military establishment of the Confederate States, and to amend the act for the establishment and organization of the Army of the Confederate States of America;"

An act to amend an act in relation to the issue of Treasury notes; also

An act to amend an act to provide revenue from commodities imported from foreign countries, approved May 21, 1861.

Mr. Miles moved that Congress do adjourn.

The motion was lost.

The Chair presented a communication from the President; which was read, as follows, to wit:

RICHMOND, August 3, 1861.

*To the President of Congress of Confederate States.*

SIR: I have reliable information that a considerable force of Missourians, now cooperating with our troops near the northern frontier of Arkansas, are destitute of the supplies necessary to their efficiency, and that the enemy have such power within the limits of the State as to deprive its government of the capacity to give to said force the needful relief. Under these circumstances I recommend the enactment of a law appropriating, say, one million of dollars to supply the Missourians who are or may be cooperating with us with such clothing, subsistence, arms, and ammunition as may be necessary for them and which it may be practicable to furnish, the same to be supplied under such regulations as Congress may determine.

JEFF'N DAVIS.

The communication was referred to the Committee on Military Affairs with instructions to report on same by bill.

Congress having resumed the consideration of Mr. Perkins' resolution and the amendments to same,

Mr. Bocock moved to adjourn.

The motion was lost.

Mr. Mason, by unanimous consent, introduced

A resolution instructing the Committee on Foreign Affairs to inquire into the expediency of providing by law for the protection by this Government of such citizens of Missouri, Kentucky, Maryland, and the District of Columbia as have been or may be captured by the military forces of the United States in arms against them; which was agreed to.

Mr. Macfarland moved to lay the resolution of Mr. Perkins and the amendments thereto on the table for the present, and demanded the question; which was seconded, and the vote having been taken by States, resulted as follows, to wit:

Yea: Arkansas, Florida, Louisiana, North Carolina, South Carolina, and Virginia, 6.

Nay: Alabama, Georgia, Mississippi, and Texas, 4.

So the motion prevailed.

On motion of Mr. Keitt,

Congress then adjourned until 12 o'clock Monday.

## FOURTEENTH DAY—MONDAY, AUGUST 5, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Burrows.

Mr. Jones of Alabama asked leave of absence for his colleague, Mr. Davis, on account of sickness; which was granted.

Congress resolved itself in secret session.

## SECRET SESSION.

Congress being in secret session.

Mr. Rhett moved to postpone the special order of the day in order to receive the reports of committees.

The motion was agreed to.

Mr. Rhett, from the Committee on Foreign Affairs, reported

A bill to empower the President of the Confederate States to appoint additional commissioners to foreign nations;

which was read first and second times, ordered to be printed, and placed on the Calendar.

Mr. Rhett, from the Committee on Foreign Affairs, to whom was referred

A resolution of inquiry respecting the expediency of laying a duty of 15 per cent ad valorem, in addition to the duties imposed by the tariff of May 21, 1861, etc.,

reported that the committee deemed it inexpedient to legislate further upon the subject, asked to be discharged from its further consideration, and that the resolution lie upon the table; which was agreed to.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for the safe custody, printing, publication, and distribution of the laws, and to provide for the appointment of an additional clerk in the Department of Justice; and

An act to authorize advances to be made in certain cases.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to provide for the defense of the Mississippi River.

The bill was read the first and second times and, on motion, ordered to be printed and placed on the Calendar.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to authorize impressments of property in certain cases; which was read the first and second times, ordered to be printed, and placed on the Calendar.

Mr. Johnson of Arkansas, from the Committee on Military Affairs, reported

A bill to give aid to the people and State of Missouri; which was read the first and second times, engrossed, read the third time, and passed.

Mr. Johnson of Arkansas, from the Committee on Military Affairs, to whom was referred

A resolution authorizing the Secretary of War to furnish supplies to certain troops.

reported the same back, with the recommendation that it pass.

The resolution was engrossed, read the third time, and passed.

Mr. Johnson of Arkansas, from the Committee on Military Affairs, to whom was referred

A resolution authorizing the Secretary of War to furnish transportation for certain troops, reported the same back, with the recommendation that it pass.

Mr. Russell moved to amend the resolution by inserting after the word "Delaware" the words "or from any part of the Confederate States which shall be in possession of the enemy, so that enlistments and organizations can not there be made."

Mr. Barry moved to amend the amendment by adding the words "and all who shall join any regiment or battalion already in service, shall be entitled to transportation from the place where the company thus joining shall have been formed," and to recommit the resolution with the amendments to the Committee on Military Affairs.

Mr. Brockenbrough demanded the question; which being sustained, the question was put and the resolution and amendments were recommitted.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to provide for the safe custody, printing, publication, and distribution of the laws, and to provide for the appointment of an additional clerk in the Department of Justice; also

An act to authorize advances to be made in certain cases.

Mr. Kenan, from the Committee on Military Affairs, to whom had been referred

A bill further to provide for the public defense, reported the same back, with a recommendation that it do pass.

Mr. Conrad moved to amend the same by striking out the words "three years or twelve months" and inserting in lieu thereof the words "for a period not less than twelve months or more than three years."

The amendment was agreed to and the bill ordered to be engrossed.

Mr. Barry moved to reconsider the vote by which the bill was ordered to be engrossed; which motion prevailed.

Mr. Perkins moved that the bill be printed, placed on the Calendar, and made the special order of to-morrow, and demanded the question.

The demand for the question being seconded, the bill was ordered to be printed, placed on the Calendar, and made the special order of to-morrow.

Mr. Johnson of Arkansas, from the Committee on Military Affairs, to whom was recommitted the resolution authorizing the Secretary of War to furnish transportation for certain troops, together with the amendments offered thereto, reported the following resolution, to wit:

*Resolved*, That the Secretary of War be, and is hereby, authorized to pay for transportation proper and necessary in his discretion for all troops or volunteers from Kentucky, Maryland, Delaware, or Missouri coming to the Confederate States to enlist or volunteer and who do actually enlist or volunteer; and also that this provision be extended so as to embrace troops or volunteers coming from any part of the Confederate States in the possession of the enemy.

The report was agreed to, and the resolution read first and second times, engrossed, read the third time, and passed.

Mr. Miles, from the Committee on Military Affairs, reported

A bill to authorize the President of the Confederate States to grant

commissions to raise volunteer regiments and battalions, composed of persons who are or have been residents of the States of Kentucky, Missouri, Maryland, and Delaware, with the recommendation that it pass.

The bill was read first and second times, engrossed, read third time, and passed.

Mr. Brooke, by unanimous consent, reported

A bill to amend an act entitled "An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs;" which was read first and second times, ordered to be printed, and placed on the Calendar.

Mr. Harris, by unanimous consent, presented a communication from the Superintendent of the Telegraph; which was referred to the Committee on Military Affairs, without being read.

Mr. Brooke, by unanimous consent, offered a resolution instructing the Committee on Military Affairs to inquire if any legislation is necessary to secure the small arms captured from the enemy at Manassas on the 21st ultimo, and to report by bill or otherwise; which was read and agreed to.

Mr. Rhett, by unanimous consent, offered

A resolution instructing the Committee on Postal Affairs to inquire whether by the act of 28th of February, 1861, the tax of 2 cents is properly applicable to newspapers sent through the mail in packages or bundles;

which was read and agreed to.

Mr. Mason, by unanimous consent, offered and moved the adoption of the following resolutions, to wit:

*Resolved*, That the thanks of Congress are eminently due, and are hereby cordially given, to General Joseph E. Johnston and General Gustave T. Beauregard, and to the officers and troops under their command, for the great and signal victory obtained by them over forces of the United States, far exceeding them in number, in the battle of the twenty-first of July at Manassas, and for the gallantry, courage, and endurance evinced by them in a protracted and continuous struggle of more than ten hours; a victory, the great results of which will be realized in the future successes of the war, and which in the judgment of Congress entitles all who contributed to it to the gratitude of their country.

*Resolved*, That the foregoing resolution be made known in appropriate general orders by the generals in command to the officers and troops to whom they are addressed.

The resolutions were read first and second times, engrossed, read third time, and unanimously passed.

Mr. Scott, by unanimous consent, introduced

A resolution instructing the Committee on Finance to inquire into the expediency of providing by law for the auditing, by the proper officer of the Treasury Department, of the sums of money due by the Confederate States to the State of Virginia on account of expenditures made by the said State in the prosecution of the war, pursuant to the convention entered into on the 24th day of April, 1861, between the Hon. Alexander H. Stephens, as commissioner of the said Confederate States, and the Hon. John Tyler and others on the part of the convention of Virginia;

which was read and agreed to.

Mr. Russell, by unanimous consent, presented the memorial of certain officers; which was referred to the Committee on Military Affairs, without being read.



Mr. Chilton, by unanimous consent, presented the petition of merchants and others of Nashville, Tenn., in relation to the tariff on military supplies; which was referred to the Committee on Military Affairs, without being read.

Mr. Chilton, by unanimous consent, presented

A bill to be entitled "An act to authorize the Secretary of War to make a certain payment out of the contingent fund of the War Department;"

which was read first and second times and referred to the Committee on Military Affairs.

The special order was then taken up, which was the consideration of

A bill to be entitled "An act to prevent the importation of African negroes from any foreign countries other than the slaveholding States of the United States, and to punish persons offending therein."

The fifth section being under consideration, the Committee on the Judiciary offered the following amendment to the same, to wit:

After the word "informer," in fifth line, strike out down to the word "into," in seventh line, and insert "All moneys arising from or recovered under any of the provisions of this act shall, after payment of costs, be paid," etc., so the section as amended shall read as follows, to wit:

"Every ship, vessel, boat, or other water craft on which such African negroes shall have been taken on board, received, or transported as aforesaid, her tackle, apparel, furniture, and lading shall be forfeited, one moiety to the Confederate States, after paying all costs, and the other to the informer. All moneys arising from or recovered under any of the provisions of this act shall, after payment of costs, be paid into the Treasury of the Confederate States, and shall be applied, under the direction of the Secretary of the Treasury, to the transporting such African negroes so illegally imported back to the kingdom, state, or country from which they were brought."

The amendment was agreed to.

The seventh section being under consideration, the Committee on the Judiciary offered the following amendment, to wit:

At the close of section 7 insert: "All suits and prosecutions under this act shall be conducted by the district attorney of the district in which the proceeding is had; and for every conviction he shall be allowed a fee of twenty-five dollars, which shall be taxed against the defendant. But when there is more than one prosecution against the same defendant, if he shall prove unable to pay the costs, the Confederate States shall only be bound to pay one such fee. He shall also be allowed three per cent on such moneys by him so recovered and paid into the Treasury," so that the section as amended shall read as follows, to wit:

"Sec. 7. All proceedings under this act and all offenses against its provisions shall be had and prosecuted in the district court of the Confederate States, held in the State in which, or upon the waters adjacent to which, the same occur, or into whose port the vessel may be carried. And all writs, process, and executions, or orders issued from such courts, shall run and be enforced in any State of this Confederacy by the marshal or his deputy; and in the execution of this act any marshal or deputy may summon as his posse any citizen or citizens of the Confederate States. All suits and prosecutions under this act shall be conducted by the district attorney of the district in which the proceeding is had; and for every conviction he shall be allowed a fee of twenty-five dollars, which shall be taxed against the defendant. But when there is more than one prosecution against the same defendant, if he shall prove unable to pay the costs, the Confederate States shall only be bound to pay one such fee. He shall also be allowed three per cent on all moneys by him so recovered and paid into the Treasury."

The amendment was agreed to.

Mr. Hill moved to amend the bill by adding the following as a section, viz:

No portion of this act shall be construed to prohibit the reintroduction of any African slave or slaves into any State or Territory of the Confederate States who may have escaped or been carried away from either of said States or Territories to the sea or to any foreign kingdom, place, or country.

Mr. Conrad moved to postpone the bill and pending amendment till the next session; which motion prevailed.

The next special order having been taken up, viz:

A bill to prohibit the introduction of slaves from any State not a member of this Confederacy, etc.,

was on motion postponed until the next session.

The next bill on the Calendar being taken up, viz:

A bill to prescribe uniform rules of naturalization, etc.,

was on motion postponed until the next session.

The next bill on the Calendar being taken up, viz:

A bill regulating the purchase of stationery, etc.,

was on motion postponed until next session.

The next bill on the Calendar being taken up, viz:

A bill to change the clerical force in the War Department, etc.,

was on motion postponed for the present.

The bill reported by Mr. Conrad, from the Committee on Naval Affairs, having been taken from the Calendar for consideration, viz:

A bill to provide for the construction of a newly invented implement of war.

Mr. Harris moved to amend by inserting after the words "the President be, and he is hereby, authorized" the words "in his discretion."

The amendment was agreed to.

Mr. Johnson of Arkansas demanded the question, which was upon ordering the bill to be engrossed.

The demand being sustained, the vote, taken by States, resulted as follows, to wit:

Yea: Arkansas, Georgia, Louisiana, North Carolina, Texas, and Virginia, 6.

Nay: Alabama, Florida, Mississippi, and South Carolina, 4.

So the bill as amended was engrossed, read the third time, and passed.

On motion of Mr. Garland,

Congress then adjourned until 12 o'clock to-morrow.

## FIFTEENTH DAY—TUESDAY, AUGUST 6, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hoge.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Harris moved that the act relative to affording aid to the people of Missouri be kept secret.

The consideration of the motion was postponed for the present.

Congress proceeded to the consideration of the special order of the day, which was the bill for the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Brooke moved that the same be postponed until Thursday next.

Mr. Hill called for the question, and the call being seconded, the question was put, and the vote having been taken by States, resulted as follows, to wit:

Yea: Alabama, Arkansas, Mississippi, North Carolina, Texas, and Virginia, 6.

Nay: Florida, Georgia, Louisiana, and South Carolina, 4.

So the motion prevailed, and the consideration of the bill was postponed.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution authorizing the Secretary of War to furnish supplies to certain troops;

An act to give aid to the people and State of Missouri; and

A resolution to provide transportation in certain cases.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President had this day approved and signed

An act to give aid to the people and State of Missouri.

The Chair presented a communication from the Secretary of the Treasury containing additional estimates for the pay and mileage of members of Congress; which, together with the accompanying documents, was referred to the Committee on Finance.

Mr. Macfarland presented a communication from Doctor Cabell, hospital surgeon at Charlottesville, and a resolution instructing the committee of one from each State to inquire into the condition of the sick and wounded at the hospitals at Charlottesville, Culpeper Court House, Pensacola, and everywhere else, and to report what provision was necessary to be made by the Government in conjunction with private measures for their relief, etc.: which was read and agreed to.

The consideration of the next special order being taken up, which was

A bill further to provide for the public defense;

the same was, on motion of Mr. Kenan, postponed and made the special order for to-morrow.

Mr. Harris, by general consent, called for the consideration of a bill from the Judiciary Committee, entitled

A bill respecting alien enemies.

The first section of the bill being under consideration, Mr. Conrad moved to amend the same by inserting after the word "thereof," in the twelfth line, the words "who shall make a declaration of such intention in due form," so that the section as amended shall read as follows, to wit:

SECTION 1. *The Congress of the Confederate States do enact*, That whenever there shall be a declared war between the Confederate States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the Confederate States by any foreign nation or government, and the President of the Confederate States shall make public proclamation of the event, or the same shall be proclaimed by act of Congress, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of fourteen years of age and upward, who shall be within the Confederate States and not citizens thereof, shall be liable to be apprehended, restrained, or secured, and removed as alien enemies: *Provided*, That during the existing war citizens of the United States residing within the Confederate States with intent to become citizens thereof, and who shall make a declaration of such intention in due form and acknowledging the authority of the Government of the same, shall not become liable as aforesaid, nor shall this act extend to citizens of the States of Delaware, Maryland, Kentucky, and Missouri, and of the District of Columbia, who shall not be chargeable with actual hostility or other crime against the public safety, and who shall acknowledge the authority of the Government of the Confederate States.

The amendment was agreed to.

Mr. Chilton moved to amend the same section by adding after the words "District of Columbia," on the fourteenth line, the words "and the Territories of Arizona and New Mexico, and the Indian Territory south of Kansas," so the section as amended shall read as follows, to wit:

SECTION 1. *The Congress of the Confederate States do enact*, That whenever there shall be a declared war between the Confederate States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the Confederate States by any foreign nation or government, and the President of the Confederate States shall make public proclamation of the event, or the same shall be proclaimed by act of Congress, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of fourteen years of age and upward, who shall be within the Confederate States and not citizens thereof, shall be liable to be apprehended, restrained, or secured, and removed as alien enemies: *Provided*, That during the existing war citizens of the United States residing within the Confederate States with intent to become citizens thereof, and who shall make a declaration of such intention in due form and acknowledging the authority of the Government of the same, shall not become liable as aforesaid, nor shall this act extend to citizens of the States of Delaware, Maryland, Kentucky, Missouri, and of the District of Columbia, and the Territories of Arizona and New Mexico, and the Indian Territory south of Kansas, who shall not be chargeable with actual hostility or other crime against the public safety, and who shall acknowledge the authority of the Government of the Confederate States.

The amendment was agreed to.

The second section of the bill being under consideration, Mr. Smith moved to amend by striking out all after the word "aforesaid," in the third line, down to and including the word "and," in the fifth line, being the words, to wit:

to direct the conduct to be observed on the part of the Confederate States toward the aliens who shall become liable as aforesaid, and in what cases and upon what security their residence shall be permitted, and

The motion was lost.

The third section being under consideration, Mr. Hemphill moved to amend by striking out the word "twenty," in the sixth line, and inserting in lieu thereof the word "forty."

Mr. Harris called for the question: which being seconded, the vote was taken and the amendment agreed to.

The fifth section being under consideration, Mr. Smith moved to amend the same by striking out the words "who by the President of the Confederate States or," on the third line.

The motion was lost.

Mr. Davis moved to amend the bill by adding the following words as an additional section, to wit: "And the expenses of such removal shall be allowed and paid by the Secretary of the Treasury."

The motion was lost.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for the construction of a newly invented implement of war; and

Resolutions of thanks to Gens. Joseph E. Johnston and Gustave T. Beauregard and the officers and troops under their command at the battle of Manassas.

The bill as amended was then engrossed, read third time, and passed.

On motion, the President of the Congress was authorized to instruct the messenger to procure a suitable box for the safe-keeping of the



secret bills of the Congress, the same to be paid for out of the contingent fund of Congress.

On motion of Mr. Brooke,

Congress then adjourned until 12 o'clock to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented to Congress a communication from the President nominating, for the advice and consent of Congress, officers to the rank affixed to their names, respectively, viz:

Brigadier-generals—Isaac R. Trimble, Maryland; Daniel Ruggles, Virginia.

Major, Adjutant-General's Department—Robert C. Hill, North Carolina.

The nominations were referred to the Committee on Military Affairs. Congress resumed legislative session.

### SIXTEENTH DAY—WEDNESDAY, AUGUST 7, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Bishop Early.

Mr. Kenan announced the presence of Mr. Thomas M. Foreman, a Delegate from the State of Georgia, who appeared, was qualified, and took his seat.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session, took up for consideration the special order, which was

A bill further to provide for the public defense.

The second section of the same being under consideration, Mr. Kenan, from the Committee on Military Affairs, moved to amend by striking out the whole of said section and inserting in lieu thereof the following, to wit:

SEC. 2. That whenever the militia or volunteers are called and received into the service of the Confederate States under the provisions of this act, they shall be organized under the act of the sixth of March, eighteen hundred and sixty-one, entitled "An act to provide for the public defense," with the same pay and allowances of said act, and the same time for the service of the militia.

The amendment was agreed to.

Mr. Wright moved to amend the bill by adding, as an additional section thereto, the following, to wit:

SEC. 3. Nothing in this act shall be construed to extend to, or in any wise to alter, any act heretofore passed authorizing the President to receive troops offered directly to the Confederate States for the war, or for any less time.

The amendment was agreed to, and the bill as amended was engrossed, read a third time, and passed.

Mr. Jones presented a memorial of D. L. Dinsmore and others, of Alabama; which was referred to the Committee on Postal Affairs, without being read.

Mr. Garland offered

A resolution instructing the Committee on the Judiciary to inquire

into the propriety of authorizing citizens of the Confederate States to make reprisals on land to the amount lost by them by reason of confiscations made under the authority of the United States, and to report by bill or otherwise;

which was read and agreed to.

Mr. Morton presented the memorial of certain mail contractors; which was referred to the Committee on Postal Affairs, without being read.

Mr. Wright presented the petition of certain citizens of Georgia and North Carolina relative to an assay office at Dahlonega, Ga.; which was referred to the Committee on Finance, without being read.

Mr. Perkins offered the following resolution; which was read and referred to the Committee on Foreign Affairs, to wit:

*Resolved*, That Congress heartily approves of and unites in the recommendation of the cotton factors and insurance companies that no cotton be sent forward from the interior to the seaports of the country during the existence of the blockade.

Mr. Marshall offered the following resolution; which was read and agreed to, viz:

*Resolved*, That hereafter the hour of the meeting of Congress be fixed at eleven o'clock a. m.

Mr. Brooke presented

A bill to amend the Provisional Constitution of the Confederate States:

which was read first and second times and referred to the Committee on the Judiciary.

Mr. Brooke presented

A bill entitled "An act to amend the Constitution for the Provisional Government of the Confederate States of America:"

which was read first and second times and referred to the Committee on the Judiciary.

Mr. Harris offered the following resolution; which was taken up and read, viz:

*Resolved*, That this Congress will adjourn on Monday, the nineteenth instant, to meet again on the third Monday in November next, unless sooner called together by the President.

Mr. Harris demanded the question; which being put, and the vote having been taken by States, resulted as follows, to wit:

Yea: Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Texas, 6.

Nay: Florida, Louisiana, and Virginia, 3.

Divided: Arkansas, 1.

Mr. Johnson of Arkansas, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded; which resulted as follows, to wit:

Alabama—Yea: Messrs. Walker, Curry, Chilton, McRae, and Jones.

Arkansas—Yea: Messrs. Garland and Watkins. Nay: Messrs. Johnson and Thomason.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb, Hill, Kenan, and Stephens. Nay: Messrs. Toombs, Foreman, and Wright.

Louisiana—Yea: Messrs. Perkins and Marshall. Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Harris, Brooke, and Harrison. Nay: Messrs. Barry and Campbell.

North Carolina—Yea: Messrs. Davis, Avery, Smith, Ruffin, and Craige. Nay: Messrs. Morehead, Puryear, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, and Boyce. Nay: Messrs. Memminger and Miles.

Texas—Yea: Messrs. Gregg, Oldham, and Ochiltree. Nay: Messrs. Hemphill and Waul.

Virginia—Yea: Messrs. Bocock, Scott, and Mason. Nay: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Russell, and Walter Preston.

So the resolution was agreed to.

Mr. Smith of North Carolina introduced

A resolution directing the Committee on Finance to inquire into the expediency of authorizing the payment of dues to the Government, and to each department thereof, to be made in the bills of banks whose currency in the States where payment is made is by law receivable for State taxes and other State dues,

and that they report by bill or otherwise.

The resolution was taken up, read, and agreed to.

Mr. Smith of North Carolina introduced

A bill to be entitled "An act to amend an act entitled 'An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods,' approved May sixth, eighteen hundred and sixty-one, and an act entitled 'An act regulating the sale of prizes and the distribution thereof,' approved May sixteenth, eighteen hundred and sixty-one;" which was read first and second times and referred to the Committee on Naval Affairs.

Mr. Davis presented the memorial of W. B. Whitehead, of North Carolina, late an officer in the United States Revenue Service; which was referred to the Committee on Naval Affairs, without being read.

Mr. Bocock presented the memorial of Jonas P. Levy; which was referred to the Committee on Naval Affairs, without being read.

Mr. Brooke presented a communication from Thomas T. Land; which was referred to the Committee on Military Affairs, without being read.

Mr. Perkins, from the Committee on Foreign Affairs, reported

A bill to prohibit the importation of articles the production or manufacture of the United States, or of other nations, into the Confederate States from the United States, and to punish persons offending therein;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Mason, from the Committee on Foreign Affairs, reported

A bill to extend the protection of the Confederate States to citizens of other States in certain cases;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Barnwell, from the Committee on Finance, to whom was referred the petition of Peters & Reed, praying a remission of duties on imported goods, reported the same back, with the recommendation that no action be taken on the subject, asked to be discharged from its further consideration, and that the memorial lie on the table; which was agreed to.

Mr. Barnwell, from the Committee on Finance, reported

A bill making additional appropriations for the Army and volunteer

forces of the Confederate States for the year ending February 18, 1862;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Barnwell, from the Committee on Finance, reported

A bill making appropriations for the expense of the Government in the legislative, executive, and judicial departments for the year ending 18th of February, 1862;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Barnwell, from the Committee on Finance, reported

A bill making additional appropriations for the Navy of the Confederate States for the year ending 18th February, 1862;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Miles, from the Committee on Military Affairs, to whom was referred

A bill to be entitled "An act to authorize the Secretary of War to make a certain payment out of the contingent fund of the War Department,"

reported the same back, with the recommendation that it be referred to the Committee on Claims.

The report was agreed to.

Mr. Miles, from the Committee on Military Affairs, to whom was referred a letter from the Superintendent of the Telegraph, reported the same back, asked to be discharged from its further consideration, and that the letter lie on the table.

The report was agreed to.

Mr. Miles, from the Committee on Military Affairs, to whom was referred

A resolution relative to the arms captured at Manassas, reported that the committee deemed any legislation on that subject inexpedient at present, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Miles, from the Committee on Military Affairs, reported

A bill to increase the Corps of Artillery, and for other purposes, and recommended the passage of the same.

The bill was read first and second times and, on motion, it was placed on the Calendar and ordered to be printed.

Mr. Johnson of Arkansas, from the Committee on Military Affairs, reported

A bill to authorize the admission of the State of Missouri as a member of the Confederate States of America, and for other purposes, with the recommendation that it pass.

The bill having received its first and second readings, was, on motion, placed on the Calendar, ordered to be printed, and made the special order of Friday.

The Calendar was then taken up, the first business upon which was the consideration of

A bill to define the jurisdiction of the Federal courts in certain cases.

On motion, the further consideration of the same was postponed for the present.



Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the President of the Confederate States to grant commissions to raise volunteer regiments and battalions, composed of persons who are or have been residents of the States of Kentucky, Missouri, Maryland, and Delaware.

The next business in order on the Calendar being taken up, viz, the consideration of

A bill from the Judiciary Committee to amend the eighth section of the first article of the Constitution of the Provisional Government of the Confederate States of America.

Mr. Conrad moved to postpone the consideration of the same for the present.

The motion was agreed to, and the further consideration of the bill was postponed for the present.

Mr. Miles, from the committee, by unanimous consent, moved to reconsider the vote on the engrossment and passage of an act to amend an act to make further provision for the public defense, approved May 11, 1861, and to amend an act entitled "An act to increase the military establishment of the Confederate States, and to amend the act for the establishment and organization of the Army of the Confederate States," for the purpose of recommitting the same to the Committee on Military Affairs.

The motion was agreed to.

The Congress resumed the consideration of the bill making temporary provision for naturalizing as citizens of the Confederate States such persons now citizens of the States of Kentucky, Missouri, Maryland, and Delaware, respectively, as may desire so to become.

The question being, on the motion of Mr. Hemphill, to strike out in the first section the word "allegiance" and inserting in lieu thereof the word "obedience."

Mr. Hemphill amended his motion by inserting after the word "allegiance" the words "to any foreign state."

The amendment was agreed to.

Mr. Ochiltree moved to amend the section by adding after the words "That any person now a citizen of either of the States of Kentucky, Missouri, Maryland, Delaware, or the District of Columbia," the words "or citizens of California born in either of the slaveholding States of the late United States."

The motion was lost.

Mr. Oldham moved to amend the section by adding after the words "desiring to become a citizen" the words "of any State."

Pending the discussion thereon, a message was received from the President, through his Private Secretary, Mr. Josselyn, that on yesterday he had approved and signed

An act to provide for the construction of a newly invented implement of war; also

Resolutions of thanks to Gens. Joseph E. Johnston and Gustave T. Beauregard and the officers and troops under their command at the battle of Manassas.

Mr. Conrad moved that the injunction of secrecy be not removed from the act to provide for the construction of a newly invented implement of war.

On motion of Mr. Bocoek,

Congress adjourned until 11 o'clock to-morrow.

## SEVENTEENTH DAY—THURSDAY, AUGUST 8, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Woodbridge.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. Miles, by unanimous consent, moved to amend the Journal of yesterday by striking therefrom the motion made by himself from the Committee on Military Affairs, to reconsider the vote on the engrossment and passage of

An act to amend an act further to provide for the public defense, etc.

The motion was agreed to.

Congress then took up the special order of the day, which was the consideration of a bill from the Finance Committee, to be entitled

An act to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Barnwell moved to postpone the special order for the purpose of considering

A resolution touching points of maritime law decided by the Congress of Paris of 1856.

The motion was agreed to, and the resolution was taken up, engrossed, read a third time, and passed.

The second section of the bill, which was the special order, being under consideration; which is as follows, to wit:

SEC. 2. That for the purpose of funding the said notes, and of making exchange for the proceeds of the sale of raw produce and manufactured articles, or for the purchase of specie or military stores, the Secretary of the Treasury, with the assent of the President, is authorized to issue bonds, payable not more than twenty years after date, and bearing a rate of interest not exceeding eight per centum per annum, until they become payable, the interest to be paid semiannually; the said bonds not to exceed, in the whole, one hundred millions of dollars, and to be deemed a substitute for thirty millions of the bonds authorized to be issued by the act approved May sixteenth, eighteen hundred and sixty-one; and this act is to be deemed a revocation of the authority to issue the said thirty millions. The said bonds shall not be issued in less sums than one hundred dollars nor in fractional parts of a hundred. They may be sold for specie, military stores, or for the proceeds of raw produce and manufactured articles, in the same manner as is provided by the act aforesaid; and whenever subscriptions of the same have been, or shall be, made payable at a particular date, the Secretary of the Treasury shall extend the time of sales until such date after the raising of the blockade as he shall see fit to indicate.

Mr. Toombs moved to amend the same by inserting after the word "shall." on the fifteenth line, the words "have power to."

Mr. Waul moved to amend the amendment offered by Mr. Toombs by adding thereto the words "if required by the subscribers."

Pending which, Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act respecting alien enemies; and

An act further to provide for the public defense.

Mr. Hill called for the question, which was upon agreeing to the amendment offered by Mr. Waul; which being seconded, Mr. Conrad

demanding that the vote be taken by States; and the question being put, resulted as follows, to wit:

Yea: Florida and Texas, 2.

Nay: Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, 8.

So the amendment was lost.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn.

Mr. Hill demanded the question, which was upon agreeing to the amendment offered by Mr. Toombs; and the call for the question being seconded, the vote was taken, and the amendment was agreed to.

Mr. Toombs moved to further amend by striking out in the fifteenth line the words "after the raising of the blockade," and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 9.

Divided: Louisiana, 1.

So the amendment was agreed to.

Mr. Perkins moved to amend by inserting on the twelfth line, after the word "military," the words "and naval."

The amendment was agreed to.

Mr. Perkins moved further to amend by inserting after the word "stores," on the twelfth line, the words "cotton and tobacco," and after the word "of," on the twelfth line, the words "the same and of other."

The message from the President was then read as follows, informing Congress that he had this day approved and signed

An act to authorize the President of the Confederate States to grant commissions to raise volunteer regiments and battalions, composed of persons who are or have been residents of the States of Kentucky, Missouri, Maryland, and Delaware;

An act respecting alien enemies; and

An act further to provide for the public defense.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution touching points of maritime law decided by the Congress of Paris of 1856.

The Chair presented the following communication from the President; which was read and referred to the Committee on Military Affairs:

EXECUTIVE DEPARTMENT,  
Richmond, August 8, 1861.

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: I herewith transmit to the Congress the inclosed communication from the Hon. Secretary of War, recommending certain appropriations therein mentioned.

JEFFERSON DAVIS.

The Chair presented a communication from the governor of Virginia; which was taken up and read and ordered to lie on the table and be printed, to wit:

EXECUTIVE DEPARTMENT, August 8, 1861.

Hon. HOWELL COBB,  
*President of the Congress:*

I have had the honor to receive a copy of the resolutions adopted by your honorable body on the 1st day of this month.

In response to your resolution I communicate herewith a report from Charles Dimmock, my colonel of ordnance, which, with the accompanying documents, will place Congress in possession of the information desired, so far as small arms are concerned.

I am unable to state what "number of regiments" are formed or in process of formation but not yet received into the service of the Confederate States. Companies are being organized rapidly in eastern Virginia, the valley, and southwestern Virginia, and we will in the course of the next two weeks have as many companies in the several camps as can be armed from the limited supply of arms which I have now at command.

JOHN LETCHER.

Mr. Miles presented the memorial of James G. Holmes, of Charleston; which was referred to the Committee on Patents, without being read.

Mr. Waul moved that Congress do now adjourn.

Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded; the vote being taken, resulted as follows, to wit:

Yea: Louisiana, North Carolina, Texas, and Virginia, 4.

Nay: Arkansas, Florida, and Georgia, 3.

Divided: Alabama, Mississippi, and South Carolina, 3.

Alabama—Yea: Messrs. Curry, Shorter, and Jones. Nay: Messrs. Walker, Chilton, and McRae.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Yea: Mr. Stephens. Nay: Messrs. Toombs, Foreman, Nisbet, Hill, Wright, and Kenan.

Louisiana—Yea: Messrs. Perkins, De Clouet, Kenner, Sparrow, and Marshall. Nay: Mr. Conrad.

Mississippi—Yea: Messrs. Brooke and Barry. Nay: Messrs. Harris and Harrison.

North Carolina—Yea: Messrs. Davis, Avery, Venable, Puryear, Craige, and Davidson. Nay: Messrs. Smith, Ruffin, and Morehead.

South Carolina—Yea: Messrs. Rhett, Keitt, and Chesnut. Nay: Messrs. Barnwell, Memminger, and Miles.

Texas—Yea: Messrs. Reagan, Hemphill, Waul, and Gregg. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Tyler, Scott, Russell, Johnston, and Staples. Nay: Messrs. Mason, Brockenbrough, and Walter Preston.

Mr. Curry demanded the question, which was upon agreeing to the amendment offered by Mr. Perkins; the demand being seconded, and the vote having been taken by States, resulted as follows, to wit:

Yea: Florida, 1.

Nay: Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 8.

Divided: Louisiana, 1.

So the amendment was not agreed to.

On motion of Mr. Brooke,

Congress then adjourned until 11 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented to Congress a communication from the President, transmitting the nomination of Edward J. Harden, of Georgia,



to be judge of the district court for the district of Georgia, vice Henry R. Jackson, resigned.

The communication was referred to the Committee on the Judiciary. Congress resumed legislative session.

## EIGHTEENTH DAY—FRIDAY, AUGUST 9, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Bishop Early.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session, resumed the consideration of the bill to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Brooke moved to amend the first section of the same by striking out the words "one hundred" and inserting the word "fifty," and also by striking out the words "a hundred" and inserting in lieu thereof the word "fifty."

Mr. Shorter, at the instance of the State of Alabama, demanded that the vote be taken by States, and that the yeas and nays of the whole body be recorded; and the question having been put, the vote resulted as follows, to wit:

Yea: Alabama, Florida, Louisiana, Texas, and Virginia, 5.

Nay: Georgia, North Carolina, and South Carolina, 3.

Divided: Arkansas and Mississippi, 2.

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Shorter, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Messrs. Johnson and Garland.

Florida—Yea: Mr. Morton.

Georgia—Yea: Messrs. Foreman, Wright, and Stephens. Nay: Messrs. Toombs, Howell Cobb, Crawford, Nisbet, Hill, and Kenan.

Louisiana—Yea: Messrs. De Clouet, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Brooke and Barry. Nay: Messrs. Harris and Harrison.

North Carolina—Yea: Messrs. Ruffin, Venable, Puryear, and Davidson. Nay: Messrs. Davis, Avery, Smith, Morehead, and Craige.

South Carolina—Yea: Messrs. Keitt and Boyce. Nay: Messrs. Rhett, Barnwell, and Miles.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree. Nay: Messrs. Hemphill and Gregg.

Virginia—Yea: Messrs. W. B. Preston, Tyler, Bocock, Russell, Staples, and Walter Preston. Nay: Messrs. Seddon, Macfarland, Mason, and Johnston.

So the amendment was not agreed to.

Mr. Shorter moved to amend by inserting after the words "a hundred" the following, to wit: "except when the subscription is less than one hundred dollars, the said bonds may be issued in sums of fifty dollars."

The amendment was agreed to.

Mr. Chilton moved to amend by adding at the end of the section the following words, to wit: "but this provision shall not prevent the subscribers from making sales at any time before the period fixed by the Secretary."

The amendment was not agreed to.

And the section as amended reads as follows, to wit:

SEC. 2. That for the purpose of funding the said notes, and of making exchange for the proceeds of the sale of raw produce and manufactured articles, or for the purchase of specie or military stores, the Secretary of the Treasury, with the assent of the President, is authorized to issue bonds, payable not more than twenty years after date, and bearing a rate of interest not exceeding eight per centum per annum, until they become payable, the interest to be paid semiannually; the said bonds not to exceed, in the whole, one hundred millions of dollars, and to be deemed a substitute for thirty millions of the bonds authorized to be issued by the act approved May sixteenth, eighteen hundred and sixty-one; and this act is to be deemed a revocation of the authority to issue the said thirty millions. The said bonds shall not be issued in less sums than one hundred dollars nor in fractional parts of a hundred, except when the subscription is less than one hundred dollars, [the said bonds may be issued] in sums of fifty dollars. They may be sold for specie, military and naval stores, or for the proceeds of raw produce and manufactured articles, in the same manner as is provided by the act aforesaid; and whenever subscriptions of the same have been, or shall be, made payable at a particular date, the Secretary of the Treasury shall have power to extend the time of sales until such date as he shall see fit to indicate.

The third section being under consideration; which is as follows, to wit:

SEC. 3. The holders of the said Treasury notes may, at any time, demand in exchange for them bonds of the Confederate States, according to such regulations as may be made by the Secretary of the Treasury. But whenever the Secretary of the Treasury shall advertise that he will pay off any portion of the said Treasury notes, then the privilege of funding as to such notes shall cease, unless there shall be a failure to pay the same in specie on presentation.

Mr. Oldham moved to amend the same by striking out the whole of said section, and, at the instance of the State of Texas, demanded that the vote should be taken by States, and that the yeas and nays of the whole body be recorded; and the question having been put, resulted as follows, to wit:

Nay: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 10.

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Nisbet, Hill, Wright, Kenan, and Stephens.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Nay: Messrs. Harris, Brooke, Barry, and Harrison.

North Carolina—Nay: Messrs. Davis, Avery, Smith, Ruffin, Venable, Morehead, Craige, and Davidson.

South Carolina—Nay: Messrs. Rhett, Barnwell, Memminger, Miles, and Boyce.

Texas—Yea: Messrs. Oldham and Ochiltree. Nay: Messrs. Hempbill, Waul, and Gregg.

Virginia—Nay: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Bocoek, Scott, Mason, Brockenbrough, Russell, Johnston, Staples, and Walter Preston.

So the amendment was not agreed to.

Mr. Seddon moved to amend by inserting after the word "States" the following words, to wit:

and the holders of said bonds may exchange them for said Treasury notes whenever the amount of such notes then outstanding does not exceed fifty millions of dollars.

The amendment was not agreed to.

Mr. Seddon moved to amend the section by adding thereto the following words, to wit:

Said Treasury notes may be tendered in payment of any debt, whether due to corporations or individuals, and if not accepted, there shall be a stay to the collection by suit and execution, or by the execution of deeds of trust of such debt until six months after the ratification of peace with the United States, and until then, from the date of tender such debt shall bear no higher interest than may be allowed under this act to the bonds for which said notes may be exchanged, but during such stay no existing legal limitation shall run against such debt.

Mr. Hemphill moved to reconsider the vote by which the second section was adopted.

The motion was not agreed to.

Mr. Johnson of Arkansas demanded the question, which was upon agreeing to the amendment proposed by Mr. Seddon; and the demand being seconded, the question was put, and the amendment was not agreed to.

Mr. Smith moved to postpone the further consideration of the bill, for the purpose of reporting from the Judiciary Committee

A bill for the forfeiture and confiscation of the estates, property, and effects of alien enemies.

The motion was agreed to, and the bill, having received its first and second readings, was placed on the Calendar and ordered to be printed.

Mr. Memminger, by unanimous consent, moved to reconsider the vote by which a resolution touching points of maritime law decided by the Congress of Paris of 1856 was passed.

The motion was agreed to, and the resolution was laid on the table.

Mr. Macfarland, by general consent, presented two memorials from citizens of Virginia, praying redress for damages done by soldiers; which were referred to the Committee on Claims, without being read.

Mr. Barnwell, from the Committee on Finance, by unanimous consent, introduced

A bill to establish assay offices at Charlotte and Dahlonega; which was read first and second times, placed on the Calendar, and ordered to be printed.

The fourth section of the bill being under consideration; which is as follows, to wit:

(This of bill to issue Treasury notes, and provide war tax for their redemption.)

SEC. 4. That for the special purpose of paying the principal and interest of the public debt, and of supporting the Government, a war tax shall be assessed and levied, of fifty cents upon each one hundred dollars in value, of the following property in the Confederate States, namely: Real estate of all kinds; slaves; merchandise; bank stocks; railroad and other corporation stocks; money at interest, and cash on hand; cattle, horses, and mules.

Mr. Kenner moved to amend the same by adding at the end of said section the words

*Provided, however,* That when the taxable property herein above enumerated, of any head of a family, is of value less than five hundred dollars, such taxable property shall be exempt from taxation under this act.

Mr. Thomason moved to amend the amendment by adding the following words, to wit:

*Provided*, That the provisions of this section shall not extend to such persons and citizens of the Confederate States as own less than five hundred dollars in value of the property herein specified as subjects of taxation: *And provided also*, That persons citizens of the Confederate States in the Army and Navy and volunteer service of the Confederate States, the appraised value of whose property does not exceed one thousand dollars, shall also be exempt from the provisions of this act.

Mr. Harris moved to lay the amendment to the amendment on the table.

Mr. Hill demanded the question, which was upon agreeing to the motion of Mr. Harris to lay the amendment to the amendment on the table; and the demand being seconded, the question was put, and the motion was agreed to.

Mr. Ochiltree demanded the question, which was upon agreeing to the amendment offered by Mr. Kenner, and, at the instance of the State of Texas, demanded that the vote be taken by States, and that the yeas and nays of the whole body be recorded; and the question being put, the vote resulted as follows, to wit:

Yea: Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, and Virginia, 7.

Nay: Florida, South Carolina, and Texas, 3.

Alabama—Yea: Messrs. Walker, Curry, Chilton, Shorter, and Jones. Nay: Mr. McRae.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Toombs, Crawford, Nisbet, Wright, Kenan, and Stephens. Nay: Messrs. Foreman and Hill.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, and Harrison. Nay: Mr. Barry.

North Carolina—Yea: Messrs. Davis, Avery, Smith, Ruffin, Venable, Morehead, Puryear, and Davidson.

South Carolina—Nay: Messrs. Barnwell, Keitt, Memminger, Miles, and Boyce.

Texas—Yea: Messrs. Gregg and Ochiltree. Nay: Messrs. Hemphill, Waul, and Oldham.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Boccock, Rives, Scott, Mason, Russell, Johnston, Staples, and Walter Preston.

So the amendment was agreed to.

On motion of Mr. Sparrow,

Congress then adjourned until 11 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented to the Congress a communication from the President, transmitting the following list of nominations for post-masters, at the respective places named, for the advice and consent of Congress, viz:

Hugh Black, Eufaula, Ala.; Thomas Welsh, Montgomery, Ala.; James M. Smythe, Augusta, Ga.; Atkinson T. Hardin, Rome, Ga.; John W. Faber, Natchitoches, La.; J. S. Antley, Clinton, Miss.; B. G. Graham, Greensboro, N. C.; William D. McNish, Nashville, Tenn.;

which were referred to the Committee on Postal Affairs.



\*Mr. Miles, from the Committee on Military Affairs, to whom was referred the following nominations:

Brigadier-generals—Isaac R. Trimble, Maryland; Daniel Ruggles, Virginia.  
Major, Adjutant-General's Department—Robert C. Hill, North Carolina.

reported the same back, with a recommendation that Congress advise and consent to the same.

The report was agreed to, and Congress advised and consented to the nominations.

Congress resumed legislative session.

## NINETEENTH DAY—SATURDAY, AUGUST 10, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Nisbet moved to suspend the consideration of the special order for the call of the States and the committees.

The motion was agreed to.

Mr. Jones of Alabama introduced

A bill to be entitled "An act to authorize the auditing, settlement, and payment of a claim therein named;"

which was read the first and second times and, together with the accompanying documents, referred to the Committee on Military Affairs.

Mr. Smith presented the petition of John A. Cuthbert, of Alabama; which was referred to the Committee on the Judiciary, without being read.

Mr. Nisbet offered

A resolution instructing the Committee on Postal Affairs to inquire into the propriety of providing by law for the transmission of newspapers free of postage by the Southern Express Company; which was read and agreed to.

Mr. Nisbet offered

A resolution authorizing the Committee on Military Affairs to inquire into the propriety of providing by law for the payment of certain fifth sergeants and corporals of the companies of the Third Georgia Regiment; which was read and agreed to.

Mr. Hill presented the memorial of John Stilwell, of Georgia; which was referred to the Committee on Patents, without being read.

Mr. Davis presented a series of resolutions of a meeting in North Carolina; which were referred to the Committee on Military Affairs, without being read.

Mr. Seddon offered

A resolution instructing the Committee on Claims to inquire into the justice and propriety of providing by law for the continuance to faithful citizens of any of the Confederate States of the pensions heretofore allowed them by the United States as revolutionary or invalid pensions; which was read and agreed to.

Mr. Macfarland offered

A resolution instructing the Committee on Military Affairs to inquire if any legislation be necessary to prevent depredations on property by the Confederate Army, with leave to report by bill or otherwise;

which was read and agreed to.

Mr. Bocoek offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That a committee of one from each State, to be appointed by the Chairman, be instructed to inquire and report to an adjourned meeting of this Congress what additional legislation, if any, is necessary and proper to secure the financial and commercial independence of the Confederate States.

The Chair announced the following as the committee under the foregoing resolution, to wit:

Messrs. Bocoek of Virginia, Garland of Arkansas, Walker of Alabama, Ward of Florida, Hill of Georgia, Perkins of Louisiana, Harris of Mississippi, Morehead of North Carolina, Rhett of South Carolina, and Hemphill of Texas.

Mr. Miles, by unanimous consent, moved that Congress request the President to return to the body two resolutions already passed authorizing the Secretary of War to furnish quartermaster stores to certain troops, and to provide transportation to certain troops, for the purpose of recommitting the same to the Committee on Military Affairs.

The motion prevailed.

Mr. Miles, from the Committee on Military Affairs, reported

A bill making appropriations for the public defense: which was read the first and second times, placed on the Calendar, and ordered to be printed.

Mr. Miles, from the Committee on Military Affairs, reported

A bill making appropriations for the Medical Department; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Johnson of Arkansas offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of supplying necessary tools, materials, and mechanics for the purpose of altering, repairing, and constructing small arms, for use at the arsenal at Little Rock, in the State of Arkansas;

which was read and agreed to.

Congress then resumed the consideration of the unfinished business of Friday, which was

A bill to provide for the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Foreman moved to reconsider the vote by which the amendment offered by Mr. Kenner to the fourth section was adopted.

The motion did not prevail.

The Chair presented a communication from the Secretary of War, containing estimates for hospital service; which was read and referred to the special committee of one from each State.

Congress again resumed consideration of the unfinished business of Friday.

Mr. Sparrow moved to amend the fourth section of the bill by striking out the words "principal and."

Mr. Harris demanded the question; which being seconded, Mr. Spar-

row, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; and the question having been put, the vote resulted as follows, to wit:

Yea: Florida, North Carolina, and Virginia, 3.

Nay: Alabama, Arkansas, Georgia, Mississippi, South Carolina, and Texas, 6.

Divided: Louisiana, 1.

Alabama—Nay: Messrs. Walker, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Mr. Ward.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Nisbet, Hill, and Stephens.

Louisiana—Yea: Messrs. Perkins, Sparrow, and Marshall. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Nay: Messrs. Harris, Brooke, and Harrison.

North Carolina—Yea: Messrs. Davis, Smith, Ruffin, Venable, Puryear, and Davidson. Nay: Messrs. Avery, Morehead, and Craige.

South Carolina—Yea: Mr. Keitt. Nay: Messrs. Rhett, Barnwell, Memminger, and Boyce.

Texas—Yea: Mr. Oldham. Nay: Messrs. Hemphill and Waul.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Hunter, Macfarland, Bocoek, Rives, Scott, Russell, Johnston, Staples, and Walter Preston. Nay: Messrs. Tyler and Mason.

So the amendment was lost.

Mr. Brooke, at the instance of Mr. Campbell, moved to amend the same section by striking out the word "fifty" and inserting the words "twenty-five" and called for the question; which being seconded, Mr. Sparrow, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Yea: North Carolina and Virginia, 2.

Nay: Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina, and Texas, 7.

Divided: Louisiana, 1.

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Mr. Watkins. Nay: Messrs. Johnson, Thomason, and Garland.

Florida—Nay: Mr. Ward.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Nisbet, Hill, and Stephens.

Louisiana—Yea: Messrs. Perkins, Sparrow, and Marshall. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Nay: Messrs. Harris, Brooke, and Harrison.

North Carolina—Yea: Messrs. Davis, Smith, Ruffin, Venable, Morehead, Puryear, and Davidson. Nay: Messrs. Avery and Craige.

South Carolina—Yea: Mr. Keitt. Nay: Messrs. Rhett, Barnwell, Memminger, Miles, and Boyce.

Texas—Yea: Mr. Oldham. Nay: Messrs. Hemphill and Waul.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Macfarland, Bocoek, Rives, Scott, Russell, Johnston, Staples, and Walter Preston. Nay: Messrs. Hunter, Tyler, and Mason.

So the amendment was not agreed to.

Mr. Brooke moved to amend the same section by inserting after the word "interest" the following words, to wit: "or invested by individuals in the purchase of bills, notes, and other securities for money, except the bonds of the Confederate States."

Mr. Boyce moved to amend the amendment by adding after the word "States" the words "and the bonds of the States."

The motion was lost, and the question recurring on the amendment of Mr. Brooke, the same was agreed to.

Mr. Perkins moved to strike out from the beginning of section 4 down to section 21.

Mr. Rhett moved that the Congress do now adjourn: and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Florida, Louisiana, North Carolina, Texas, and Virginia, 5.

Nay: Alabama, Arkansas, Georgia, Mississippi, and South Carolina, 5.

So the motion was not agreed to.

Mr. Smith called for the question, which was upon agreeing to the motion of Mr. Perkins to strike out from the beginning of section 4 down to section 21; and the call being seconded, Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Yea: Arkansas, North Carolina, and Virginia, 3.

Nay: Alabama, Florida, Georgia, Mississippi, South Carolina, and Texas, 6.

Divided: Louisiana, 1.

Alabama—Nay: Messrs. Walker, Smith, Curry, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, and Watkins. Nay: Mr. Garland.

Florida—Nay: Messrs. Morton and Ward.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Nisbet, Hill, Wright, and Stephens.

Louisiana—Yea: Messrs. Perkins and Sparrow. Nay: Messrs. De Clouet and Conrad.

Mississippi—Nay: Messrs. Harris, Brooke, and Harrison.

North Carolina—Yea: Messrs. Davis, Smith, Ruffin, Puryear, and Davidson. Nay: Messrs. Avery, Venable, Morehead, and Craige.

South Carolina—Yea: Messrs. Rhett and Keitt. Nay: Messrs. Barnwell, Memminger, and Boyce.

Texas—Yea: Mr. Oldham. Nay: Messrs. Hemphill and Waul.

Virginia—Yea: Messrs. Tyler, Bocoek, Scott, Russell, Johnston, Staples, and Walter Preston. Nay: Messrs. Seddon, W. B. Preston, Hunter, Macfarland, Rives, and Mason.

So the motion was not agreed to.

Mr. Hill moved to amend the fourth section by inserting after the word "cattle" the word "hogs."

Mr. Puryear, at the instance of the State of North Carolina, demanded that the vote thereon be taken by States, and that the yeas and nays of the whole body be recorded.

Pending the vote upon the amendment offered by Mr. Hill,

Congress, on motion of Mr. Hemphill,

Adjourned until 11 o'clock Monday morning.



## EXECUTIVE SESSION.

Congress being in executive session.

Mr. Harris, from the Committee on the Judiciary, to whom was referred the nomination of Edward J. Harden, to be district judge of Georgia, reported the same back and recommended that Congress advise and consent to the said nomination.

The report was agreed to, and Congress advised and consented to the nomination.

Mr. Chilton, from the Committee on Postal Affairs, to whom was referred the communication of the President, transmitting, for the advice and consent of Congress, a list of appointments for postmasters for the post-offices therein designated, viz:

Hugh Black, Eufaula, Ala.; Thomas Welsh, Montgomery, Ala.; James M. Smythe, Augusta, Ga.; Atkinson T. Hardin, Rome, Ga.; John W. Faber, Natchitoches, La.; J. S. Antley, Clinton, Miss.; B. G. Graham, Greensboro, N. C.; William D. McNish, Nashville, Tenn.,

reported the same back, with a recommendation that Congress advise and consent to the same.

The report was agreed to, and Congress advised and consented to the nominations.

Congress resumed legislative session.

## TWENTIETH DAY—MONDAY, AUGUST 12, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

Mr. Stephens announced the presence of Messrs. Robert L. Caruthers, Thomas M. Jones, J. H. Thomas, and John F. House, Delegates from the State of Tennessee, who came forward, presented their credentials, were qualified, and took their seats.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session.

Mr. Stephens moved to postpone the consideration of the unfinished business of Saturday, for the purpose of introducing

A bill to be entitled "An act to authorize the Secretary of War to increase the medical force of the Army under certain circumstances."

The motion was agreed to, and the bill was read first and second times and referred to the Committee on Military Affairs.

Mr. Macfarland, from the special committee of one from each State, by unanimous consent, reported

A bill to provide hospitals and for their support; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Smith of North Carolina, by unanimous consent, presented

A bill to be entitled "An act to exempt for a limited time from arrest on civil process certain persons in the service of the Confederate States;"

which was read first and second times and referred to the Committee on Military Affairs.

Mr. Smith of Alabama, by unanimous consent, moved to make the special order for Wednesday next the bill reported by him from the Judiciary Committee, entitled<sup>a</sup>

The motion was agreed to.

Mr. Waul, by unanimous consent, introduced

A bill to provide for local defense and special service; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Morton, by unanimous consent, presented a memorial from Charles Willey; which was referred to the Committee on Commercial Affairs, without being read.

Mr. Johnston of Virginia presented the memorial of Benjamin J. Jordan; which was referred to the Committee on Claims, without being read.

Mr. Craige presented the memorial of sundry citizens of North Carolina relative to the mint at Charlotte, in that State; which was referred to the Committee on Finance, without being read.

Mr. Mason presented the memorial of Ladislas Wankowicz, praying a change of his name; which was referred to the Committee on the Judiciary, without being read.

Mr. Ochiltree introduced

A bill to require the receipt by the postmasters of the Confederate States of Treasury notes in sums of five dollars and upward in payment of postage stamps; which was read first and second times and referred to the Committee on Postal Affairs.

Mr. Conrad offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of War report to this House whether any measures have been taken to fortify New Orleans, in view of a probable attack upon that city at no distant period.

Mr. Avery, by unanimous consent, moved to have his vote recorded against all the amendments offered on Saturday to the fourth section of the bill to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

The motion was agreed to.

Congress then resumed the unfinished business of Saturday, which was the consideration of the amendment offered by Mr. Hill to the fourth section of the bill to authorize the issue of Treasury notes, and to provide a war tax for their redemption, and upon which Mr. Puryear, at the instance of the State of North Carolina, demanded the yeas and nays of the whole body be recorded; and the question being put, the vote resulted as follows, to wit:

Yea: Alabama, Florida, Georgia, Mississippi, and South Carolina, 5.

Nay: Arkansas, Louisiana, North Carolina, Virginia, and Tennessee, 5.

Divided: Texas, 1.

Alabama—Yea: Messrs. Smith, Curry, Chilton, McRae, and Jones.  
Nay: Mr. Walker.

Arkansas—Nay: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Mr. Morton.

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<sup>a</sup>The title of the bill is not here recorded, but later proceedings identify it as an act for the forfeiture and confiscation of the estates, property, and effects of alien enemies.

Georgia—Yea: Messrs. Toombs, Howell Cobb, and Nisbet. Nay: Mr. Stephens.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. Perkins, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris and Harrison. Nay: Mr. Brooke.

North Carolina—Yea: Mr. Morehead. Nay: Messrs. Davis, Avery, Smith, Venable, Puryear, and Craige.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Miles. Nay: Messrs. Keitt and Chesnut.

Tennessee—Nay: Messrs. Thomas, House, Jones, and Caruthers.

Texas—Yea: Messrs. Hemphill and Waul. Nay: Messrs. Oldham and Ochiltree.

Virginia—Yea: Mr. W. B. Preston. Nay: Messrs. Seddon, Tyler, Macfarland, Scott, Mason, Johnston, Staples, and Walter Preston.

So the amendment was not agreed to.

Mr. Ochiltree moved to amend by inserting after the word "horses" the word "sheep."

The motion was not agreed to.

Mr. Avery moved to amend by adding to the section the following words, to wit:

gold watches, gold and silver plate, and pleasure carriages: *Provided*, That carriages of less value than three hundred dollars shall be exempt from taxation.

Mr. Brooke moved to amend the amendment by inserting after the word "plate" the word "pianos."

Mr. Avery demanded the question, which was upon agreeing to the amendment to the amendment; and the question being put, the amendment was agreed to.

Mr. Jones of Alabama moved to amend the amendment offered by Mr. Avery by striking therefrom the words "*Provided*, That carriages of less value than three hundred dollars shall be exempt from taxation."

The question then recurring upon the adoption of the amendment of Mr. Avery as amended, the same was agreed to.

Mr. Hill moved to amend by striking out the words "cattle, horses, and mules;" and the vote being taken thereon by States, resulted as follows, to wit:

Yea: North Carolina and Virginia, 2.

Nay: Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina, 6.

Divided: Tennessee and Texas, 2.

So the amendment was not agreed to.

Mr. Thomason moved to amend by inserting after the word "mules" the words "over two years old."

The amendment was not agreed to.

Mr. Smith of North Carolina moved to amend by striking out the words "bank stocks; railroad and other corporation stocks," and inserting in lieu thereof the words

and also a tax of eight per centum on dividends, interest, and profits declared and accruing and due during the year preceding the first day of October next, in bank, railroad, and other corporation stocks.

The amendment was not agreed to.

Mr. Brooke moved to amend by inserting after the words "on hand" the following words, to wit: "or on deposit in bank or elsewhere."

The amendment was agreed to.

Mr. Perkins moved to amend the fourth section of the bill by striking out the following words at the beginning of the same, viz:

That for the special purpose of paying the principal and interest of the public debt, and of supporting the Government, a war tax shall be assessed and levied, of fifty cents upon each one hundred dollars in value, of the following property in the Confederate States, namely:

and inserting in lieu thereof the following words, viz: "That for the purpose of ascertaining all property included in the classes," and by adding to the end of said section the following words, viz:

and the value thereof, and with a view to imposing a war tax, should the exigencies of the Government require it, and in order to ascertain the person chargeable with the tax, each State shall constitute a tax district, over which shall be appointed one chief collector, who shall be charged with the duty of dividing the State into a convenient number of collection districts, subject to the revisal of the Secretary of the Treasury. The said collector shall be appointed by the President, and shall hold his office for one year, and receive a salary of                  dollars. He shall give bond with sureties to discharge the duties of his office in such amount as may be prescribed by the Secretary of the Treasury, and shall take oath faithfully to discharge the duties of his office, and to support and defend the Constitution. The said chief collector shall, with the approbation of the Secretary of the Treasury, appoint a tax collector for each collection district, whose duty it shall be to cause an assessment to be made on or before the first day of November next, of all the taxable property in his district, included in each of the above-mentioned classes of property, and the persons then owning or in possession thereof; and in order thereto, the said tax collectors may appoint assessors, who shall proceed through every part of their respective districts, and, after public notice, shall require all persons owning, possessing, or having the care and management of any property liable to the tax aforesaid to deliver written lists of the same, which shall be made in such manner as may be required by the chief collector, and as far as practicable, conformable to those which may be required for the same purpose under the authority of the respective States; and the said assessors are authorized to enter into and upon all and singular the premises for the purposes required by this act.

Pending the consideration of the amendment offered by Mr. Perkins, Congress, on motion of Mr. Oldham,  
Adjourned until 11 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before Congress a communication in writing, from the President, transmitting, for the advice and consent of Congress, the nomination of John Guthrie, of Tennessee, to be marshal of the Confederate States for the district of Tennessee; which was referred to the Committee on the Judiciary.

Congress resumed legislative session.

#### TWENTY-FIRST DAY--TUESDAY, AUGUST 13, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Woodbridge.

Mr. Curry announced the presence of Mr. J. D. C. Atkins, a Delegate from the State of Tennessee, who came forward, was qualified, and took his seat.

Congress then resolved itself into secret session.



## SECRET SESSION.

Congress being in secret session, on motion of Mr. Hunter, the unfinished business of Monday was postponed, and Congress took up the consideration of a reconsidered resolution touching points of maritime law, etc., and Mr. Hunter moved to amend by striking out the same and substituting in lieu thereof the following; which was engrossed, read third time, and passed, to wit:

Resolution touching certain points of maritime law, and defining the position of the Confederate States in respect thereto.

Whereas the plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, in a conference held at Paris on the sixteenth of April, eighteen hundred and fifty-six, made certain declarations respecting maritime law, to serve as uniform rules for their guidance in all cases arising under the principles thus proclaimed; and

Whereas it being desirable, not only to attain certainty and uniformity, as far as may be practicable in a maritime law, but also to maintain whatever is just and proper in the established usages of nations, the Confederate States of America deem it important to declare the principles by which they will be governed in their intercourse with the rest of mankind: Now, therefore, be it

*Resolved by the Congress of the Confederate States,* (1) That we maintain the right of privateering, as it has been long established by the practice and recognized by the law of nations.

(2) That the neutral flag covers enemy's goods, with the exception of contraband of war.

(3) That neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.

(4) That blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

Mr. Orr of Mississippi presented the memorial of R. W. Edmondson; which was referred to the Committee on the Judiciary, without being read.

Mr. Orr of Mississippi presented a claim of R. W. Edmondson; which was referred to the Committee on Claims, without being read.

Mr. Mason introduced

A bill to authorize payment to be made for certain horses purchased for the Army; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Hemphill introduced

A bill vesting in the President of the Confederate States the power of retaliation;

which was read first and second times and referred to the Committee on the Judiciary.

Mr. McRae offered

A resolution instructing the Committee on Finance to inquire into the expediency of changing the value of gold and silver coin as established by the act of March 14, 1861, and to report by bill or otherwise.

Mr. Chilton presented the petition of A. G. Brewer, chaplain of the Fifth Regiment Alabama Volunteers; which was referred to the Committee on Military Affairs, without being read.

Mr. Chilton, from the Committee on Postal Affairs, introduced

A bill to be entitled "An act to collect and distribute the moneys remaining in the several post-offices of the Confederate States at the time the postal service was taken in charge by said Government;" which was read first and second times, placed on the Calendar, and ordered to be printed.

The President of the Congress presented the memorial of George Sumrall, quartermaster-sergeant of Louisiana Battalion of Volunteers; which was referred to the Committee on Military Affairs, without being read.

Congress then resumed the consideration of the unfinished business of yesterday; which was the consideration of the amendment offered by Mr. Perkins to the fourth section of the bill to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Pending discussion thereon, Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

Resolution touching certain points of maritime law, and defining the position of the Confederate States in respect thereto.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

Resolution touching certain points of maritime law, and defining the position of the Confederate States in respect thereto.

Mr. Ochiltree demanded the question, which was upon agreeing to the amendment offered by Mr. Perkins; and the demand being seconded, Mr. Perkins, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Yea: Tennessee, 1.

Nay: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 8.

Divided: Arkansas and Louisiana, 2.

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Garland.

Florida—Nay: Mr. Morton.

Georgia—Nay: Messrs. Toombs, Howell Cobb, Foreman, Crawford, Nisbet, Hill, and Stephens.

Louisiana—Yea: Messrs. Perkins, Sparrow, and Marshall. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Nay: Messrs. Harris, Brooke, Orr, and Harrison.

North Carolina—Yea: Messrs. Smith, Puryear, and Davidson. Nay: Messrs. Davis, Avery, Ruffin, Venable, Morehead, and Craige.

South Carolina—Yea: Messrs. Rhett and Keitt. Nay: Messrs. Barnwell, Chesnut, Memminger, and Miles.

Tennessee—Yea: Messrs. House, Caruthers, Jones, and Atkins. Nay: Mr. Thomas.

Texas—Yea: Messrs. Oldham and Ochiltree. Nay: Messrs. Wigfall, Reagan, Hemphill, Waul, and Gregg.

Virginia—Yea: Messrs. Tyler, Macfarland, and Russell. Nay: Messrs. Seddon, W. B. Preston, Hunter, Rives, Scott, Mason, Brockenbrough, Staples, and Walter Preston.

So the amendment was not agreed to.

Mr. Staples, by unanimous consent, introduced

A resolution instructing the Committee on Claims to inquire into the expediency of making some allowance to Oliver Hoover, of Greenbrier County, Va., in consideration of injuries received by him while engaged in the service of the Confederate States; which was read and agreed to.

Mr. Staples, by unanimous consent, offered

A resolution instructing the Committee on Postal Affairs to inquire

into the expediency of establishing an additional mail route in Bedford County, Va., from Loving Creek post-office to Wades post-office, and also of establishing a post-office at Bright Prospect in said county; which was read and agreed to.

Mr. Miles presented the petition of H. Y. Gray; which was referred to the Committee on Claims, without being read.

Mr. Keitt introduced

A resolution referring to the Committee on Engrossment the appointment of a clerk whose duty it shall be to take charge of, file, and keep the papers of the Congress, under the supervision of the Secretary, and whose salary shall be the same as that of the assistant secretaries of the Congress, and continue like those, during the continuance of the Provisional Government;

which was read and agreed to.

Mr. Avery presented a memorial; which was referred to the Committee on Postal Affairs, without being read.

Congress, on motion of Mr. Chesnut,

Then adjourned until 11 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented to Congress a communication from the President, transmitting, for the advice and consent of that body, the nomination of Robert Tyler, of Virginia, to be Register of the Treasury in place of Alexander B. Clitherall, resigned.

Congress advised and consented to the nomination.

The Chair also laid before the Congress a communication from the President, transmitting, for advice and consent, the nomination of Sanford C. Faulkner, of Arkansas, to be military storekeeper, with the pay of first lieutenant.

Congress advised and consented to the nomination.

The Chair also laid before Congress a communication from the President, transmitting, for advice and consent, a list of nominations as follows:

Brigadier-generals in the Provisional Army of the Confederate States—George B. Crittenden, Kentucky; John B. Grayson, Louisiana; Roswell S. Ripley, South Carolina; Richard C. Gatlin, North Carolina; Albert Pike, Arkansas.

Assistant adjutant-general, with the rank of lieutenant-colonel—John S. Preston, South Carolina.

Assistant adjutants-general, with the rank of major—B. F. Jones, Virginia; Jos. G. Pickett, Tennessee.

Assistant adjutants-general, with the rank of captain—Thomas S. Mills, South Carolina; F. B. Jones, Virginia; Daniel E. Huger, Louisiana; A. Coward, South Carolina.

Lieutenant-colonel, to rank as such from July 21, 1861—James B. Griffin, South Carolina.

Majors, to rank as such from July 21, 1861—James Conner, South Carolina; M. C. Butler, South Carolina.

Captain, assistant adjutant-general, to rank as such from August 9, 1861—Ed. P. Lawton, Georgia.

The communication was referred to the Committee on Military Affairs.

Mr. Conrad, from the Committee on Naval Affairs, to whom was referred, on the 30th July, 1861, a communication from the President containing a list of nominations in the Marine and Naval Corps of the Confederate States, reported back the same to the Congress recommending that the same be advised and consented to, except the nomi-

nation of E. Cantey Stockton, of South Carolina, to be a second lieutenant in the Marine Corps; which nomination the committee asked to be laid on the table for the present.

The report was agreed to, and Congress advised and consented to the nominations recommended by the committee.

The nomination of E. Cantey Stockton was laid on the table for the present.

Congress resumed legislative session.

## TWENTY-SECOND DAY—WEDNESDAY, AUGUST 14, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Nelson.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Tyler presented the petition of the Branch Bank of Virginia, at Portsmouth; which was referred to the Committee on Claims, without being read.

Also, a petition in relation to revenue affairs; which was referred to the Committee on Commercial Affairs, without being read.

Mr. Sparrow, from the Committee on Military Affairs, reported

A bill to provide for the appointment of surgeons and assistant surgeons for hospitals; which was read first and second times, engrossed, read third time, and passed.

Congress then resumed the consideration of the unfinished business of yesterday, which was the consideration of the fourth section of

A bill to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Johnston of Virginia moved to amend by adding at the end of the section the following words, to wit:

*Provided*, That property of the above descriptions, owned by joint stock companies, the stock of which is assessed and taxed by this bill, shall be exempt from assessment and taxation.

Mr. Macfarland, at the instance of the State of Virginia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Yea: Louisiana, North Carolina, and Virginia, 3.

Nay: Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina, Tennessee, and Texas, 8.

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, Shorter, and Jones.

Arkansas—Nay: Messrs. Thomason and Garland.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Toombs and Stephens. Nay: Messrs. Foreman, Crawford, and Nisbet.

Louisiana—Yea: Messrs. Perkins and Conrad. Nay: Mr. Marshall.



Mississippi—Yea: Mr. Brooke. Nay: Messrs. Harris, Orr, Harrison, and Campbell.

North Carolina—Yea: Messrs. Davis, Puryear, and Davidson. Nay: Messrs. Avery, Morehead, and Craige.

South Carolina—Yea: Messrs. Keitt and Chesnut. Nay: Messrs. Barnwell, Memminger, and Miles.

Tennessee—Nay: Messrs. Thomas, House, Caruthers, Jones, and Atkins.

Texas—Nay: Messrs. Wigfall, Hemphill, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Rives, Scott, Mason, Russell, Johnston, and Staples. Nay: Messrs. Hunter and Brockenbrough.

So the amendment was not agreed to.

Mr. Walker moved to amend by adding at the end of the section the following proviso, to wit:

*And provided further*, That the property of colleges and schools, and of charitable or religious corporations or associations, actually used for the purposes for which such colleges, schools, corporations, or associations were created, shall be exempt from taxation under this act.

The amendment was agreed to.

Mr. Johnston of Virginia moved to amend by adding the following words, to wit:

*Provided*, That nothing herein contained shall be construed to require the assessment and taxation of property of the above descriptions owned directly or indirectly by any State of this Confederacy.

Mr. Hemphill moved to amend the amendment by substituting in lieu thereof the following, to wit:

*Provided*, That all public lands and all property owned by a State for public purposes be exempt from taxation.

The substitute was agreed to.

The question then recurring upon the adoption of the amendment as amended, the same was agreed to.

So the section as amended reads as follows, to wit:

SEC. 4. That for the special purpose of paying the principal and interest of the public debt, and of supporting the Government, a war tax shall be assessed and levied, of fifty cents upon each one hundred dollars in value, of the following property in the Confederate States, namely: Real estate of all kinds; slaves; merchandise; bank stocks; railroad and other corporation stocks; money at interest, or invested by individuals in the purchase of bills, notes, and other securities for money, except the bonds of the Confederate States of America, and cash on hand or on deposit in bank or elsewhere; cattle, horses, and mules; gold watches, gold and silver plate, pianos, and pleasure carriages: *Provided, however*, That when the taxable property herein above enumerated, of any head of a family, is of value less than five hundred dollars, such taxable property shall be exempt from taxation under this act: *And provided further*, That the property of colleges and schools, and of charitable or religious corporations or associations, actually used for the purposes for which such colleges, schools, corporations, or associations were created, shall be exempt from taxation under this act: *And provided further*, That all public lands and all property owned by a State for public purposes be exempt from taxation.

Section 5 being under consideration, Mr. Memminger moved to amend the same by filling the blank therein with the words "two thousand."

The amendment was agreed to.

Mr. Thomason moved to amend by striking out the words "first day of November" and inserting in lieu thereof the words "first day of December."

The amendment was not agreed to.

Mr. Johnston of Virginia moved to amend by striking out the words "tax collectors" and inserting in lieu thereof the words "chief collector."

The amendment was not agreed to.

So the section as amended reads as follows, to wit:

SEC. 5. That for the purpose of ascertaining all property included in the above classes and the value thereof, and the person chargeable with the tax, each State shall constitute a tax division, over which shall be appointed one chief collector, who shall be charged with the duty of dividing the State into a convenient number of collection districts, subject to the revisal of the Secretary of the Treasury. The said collector shall be appointed by the President, and shall hold his office for one year, and receive a salary of two thousand dollars. He shall give bond with sureties to discharge the duties of his office in such amount as may be prescribed by the Secretary of the Treasury, and shall take oath faithfully to discharge the duties of his office, and to support and defend the Constitution. The said chief collector shall, with the approbation of the Secretary of the Treasury, appoint a tax collector for each collection district, whose duty it shall be to cause an assessment to be made on or before the first day of November next, of all the taxable property in his district, included in each of the above-mentioned classes of property, and the persons then owning or in possession thereof; and in order thereto, the said tax collectors may appoint assessors, who shall proceed through every part of their respective districts, and, after public notice, shall require all persons owning, possessing, or having the care and management of any property liable to the tax aforesaid to deliver written lists of the same, which shall be made in such manner as may be required by the chief collector, and as far as practicable, conformable to those which may be required for the same purpose under the authority of the respective States; and the said assessors are authorized to enter into and upon all and singular the premises for the purposes required by this act.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for the appointment of surgeons and assistant surgeons for hospitals.

The ninth section being under consideration; which is as follows, to wit:

SEC. 9. The lists shall be made in reference to the value and situation of the property on the first day of October next, and shall be made out, completed, and be delivered into the hands of each of the tax collectors on the first day of December next; and upon the receipt thereof, each tax collector may, for twenty-one days next ensuing the said first December, hear and determine all appeals from the said assessments, which determination shall be final.

Mr. Brooke moved to amend by inserting after the word "next" the following, to wit:

except of lands and slaves, which shall be valued according to the valuation of such property on the first day of January last;

and, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded: which are as follows, to wit:

Yea: Arkansas and Texas, 2.

Nay: Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia, 8.

Divided: Mississippi, 1.

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Toombs and Howell Cobb. Nay: Messrs. Foreman, Crawford, Nisbet, Hill, Wright, and Stephens.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, Kemmer, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Brooke and Orr. Nay: Messrs. Harris and Harrison.

North Carolina—Nay: Messrs. Davis, Avery, Smith, Ruffin, Venable, Morehead, Puryear, Craige, and Davidson.

South Carolina—Yea: Mr. Memminger. Nay: Messrs. Rhett, Barnwell, Keitt, and Chesnut.

Tennessee—Yea: Messrs. Atkins and Jones. Nay: Messrs. Caruthers, House, and Thomas.

Texas—Yea: Mr. Maul.

Virginia—Nay: Messrs. Seddon, W. B. Preston, Hunter, Tyler, Macfarland, Scott, Mason, Brockenbrough, Johnston, Staples, and Walter Preston.

So the amendment was not agreed to.

Mr. Smith moved to amend by inserting after the word "assessments" the following, to wit: "as well as applications for the reduction of a double tax, when such may have been incurred, to a single tax."

The amendment was agreed to.

So the section as amended reads as follows, to wit:

SEC. 9. The lists shall be made in reference to the value and situation of the property, on the first day of October next, and shall be made out, completed, and be delivered into the hands of each of the tax collectors on the first day of December next; and upon the receipt thereof, each tax collector may, for twenty-one days next ensuing the said first December, hear and determine all appeals from the said assessments, as well as applications for the reduction of a double tax, when such tax may have been incurred, to a single tax, which determination shall be final.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to provide for the appointment of surgeons and assistant surgeons for hospitals.

Section 10 being under consideration: which is as follows, to wit:

SEC. 10. The several tax collectors shall, on or before the first day of February ensuing, furnish to the chief collector of the State in which his district is situated, a correct and accurate list of all the assessments made upon each person in his district, and of the amount of tax to be paid by such person, specifying each object of taxation; and the said chief collector shall collate the same in proper form, and forward the collated list to the Secretary of the Treasury.

Mr. Perkins moved to amend by adding at the end of the section the following, to wit:

whose duty it shall be to inform the governors of the several States of the amounts assessed against each State, and in the event of the payment, in specie or its equivalent, by any State of the amount assessed against it, into the Treasury of the Confederate States on or before the next, it shall be entitled to a deduction of fifteen per cent upon the amount paid in, and no tax shall be collected within said State under the provisions of this bill.

Mr. Toombs moved to amend the amendment by filling the blank with "the first day of March."

The amendment was not agreed to.

Mr. Memminger moved to amend the amendment by filling the blank with "first day of April."

The amendment was agreed to.

Mr. Chesnut moved to lay on the table the amendment of Mr. Perkins as amended.

The motion prevailed.

The eleventh section being under consideration, Mr. Memminger moved to amend by striking out the words "the first day of May" and inserting in lieu thereof the words "the first day of April;" and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Alabama, Georgia, and Mississippi, 3.

Nay: Arkansas, Florida, Louisiana, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 8.

So the amendment was not agreed to.

Mr. Thomas moved to amend by striking out the section after the words "distress of" and inserting in lieu thereof the words "any property exempt from levy and sale by executions at law under the laws of the several States."

The amendment was not agreed to.

Mr. Thomason moved to amend by inserting after the word "plow" the words "and farming utensils."

The amendment was agreed to.

Mr. Memminger moved to amend by inserting after the word "or" the word "such" and after the word "apparel" the words "as may be."

The amendment was agreed to.

Mr. Thomason moved to amend by inserting after the word "newspapers" the words "if any be published in his district" and after the words "places in" the words "each township, ward, or precinct within."

The amendment was agreed to.

Mr. Thomason moved to amend by striking out the words "first day of May aforesaid" and inserting in lieu thereof the words "such failure."

The amendment was not agreed to.

Mr. Orr of Mississippi moved to amend by adding at the end of the section the following, to wit:

*And provided further, That any person from whom taxes may be due under this act, having in his possession a bond which may have been issued to him under the second section of this act for the proceeds of his produce or military stores may present said bond to the collector, whose duty it shall be to indorse on said bond the amount of tax due from such person, and the collector shall not collect the amount from such person, but the indorsement so made shall be a credit to the Government on the bond due such person for the amount so indorsed; and each collector shall keep a book in which he shall duplicate all such indorsements when made, and transmit a copy thereof with his report to the chief collector, and the chief collectors, on receipt of these statements, shall immediately transmit them to the Secretary of the Treasury.*

The amendment was not agreed to.

Mr. Sparrow introduced a resolution, which was read and agreed to, instructing the Committee on Military Affairs to inquire and report what provision, if any, has been made for the establishment of movable hospitals for regiments in the field, and if no such provision has been made, to report a bill providing therefor, should it in their opinion be expedient to do so.

On motion of Mr. Rhett,

Congress then adjourned until 11 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before the body a communication from the President, nominating, for advice and consent, J. W. B. Greenhow, of Georgia,



late a passed assistant surgeon in the Navy of the United States, to be a surgeon in the Navy of the Confederate States; also a communication from the President, nominating, for the advice and consent of Congress, Israel Greene, of Virginia, a captain in the Marine Corps of the Confederate States, to be adjutant of the corps, with the rank of major; which were referred to the Committee on Naval Affairs.

The Chair also laid before Congress a communication from the President, transmitting, for advice and consent, a list of appointments for collectors, made during the recess of Congress, viz:

William H. Harrison, for Richmond, Va.; J. J. Shupkins, for Norfolk and Portsmouth, Va.; William G. Singleton, for New Berne, N. C.; Oliver S. Dewey, for Ocracoke, N. C.; J. F. Bell, for Beaufort, N. C.; James T. Miller, for Wilmington, N. C.; and Jesse Thomas, for Nashville, Tenn.;

which was referred to the Committee on Commercial Affairs.

Congress resumed legislative session.

## TWENTY-THIRD DAY—THURSDAY. AUGUST 15, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Watkins.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session, resumed the unfinished business of yesterday; which was the consideration of the eleventh section of

A bill to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Thomason moved to amend by striking out the word "ten" and inserting in lieu thereof the word "twenty."

The amendment was agreed to.

So the section as amended reads as follows, to wit:

SEC. 11. The said several collectors shall, on the first day of May next, proceed to collect from every person liable for the said tax, the amounts severally due and owing, and he shall previously give notice for twenty days in one newspaper, if any be published in his district, and by notifications in at least four public places in each township, ward, or precinct within his district, of the time and place at which he will receive the said tax; and on failure to pay the same, it shall be the duty of the collector, within twenty days after the first day of May aforesaid, by himself or his deputies, to proceed to collect the said taxes by distress and sale of the goods, chattels, or effects of the persons delinquent. And in case of such distress, it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distress, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be publicly advertised or posted up at two public places nearest to the residence of the person whose property shall be distrained, or at the court-house of the same county, if not more than ten miles distant, which notice shall specify the articles distrained, and the time and place proposed for the sale thereof, which time shall not be less than ten days from the date of such notification, and the place proposed for the sale not more than five miles distant from the place of making such distress: *Provided*, That in any case of distress for the payment of the taxes aforesaid, the goods, chattels, or effects so distrained, shall and may be restored to the owner or possessor, it, prior to the sale thereof, payment or tender thereof, shall be made to the proper officer charged with the collection, of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expense of removing and keeping the goods, chattels, or effects so distrained, as may be allowed

in like cases by the laws or practice of the State wherein the distress shall have been made; but in case of nonpayment or tender as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects at public auction, and shall and may retain from the proceeds of such sale, the amount demandable for the use of the Confederate States, with the necessary and reasonable expenses of distress and sale, and a commission of five per centum thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects shall have been distrained: *Provided*, That it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plow, and farming utensils necessary for the cultivation of improved lands, arms, or such household furniture or apparel as may be necessary for a family.

Section 12 being under consideration, Mr. Brooke moved to amend by striking out the following words, to wit:

SEC. 12. That whenever goods, chattels, or effects, sufficient to satisfy any tax upon any real or personal property, owned, occupied, possessed, or superintended by any person known or residing within the same collection district can not be found, the collector having first advertised the same for thirty days in a newspaper printed within the collection district, if such there be, and having posted up in at least five public places within the same, a notification of the intended sale thirty days previous thereto, shall proceed to sell at public sale so much of the said property as may be necessary to satisfy the taxes due by the said person, together with an addition of twenty per centum to the said taxes.

And to insert in lieu thereof the following, to wit:

That if the tax assessed on any real estate shall remain unpaid on the first day of June next, the tax collector of the district wherein the same is situated shall, on the first Monday in July thereafter, proceed to sell the same, or a sufficiency thereof, at public outcry, to the highest bidder, to pay said taxes, together with twenty per centum on the amount of said taxes and costs of sale; said sale to be at the courthouse door of the county or parish wherein said real estate is situated, and if there shall be more than one county or parish in a district, the said tax collector is authorized to appoint deputies to make such sales in his name as he can not attend to himself, and for all lands so sold by said deputies, the deeds as hereinafter provided for shall be executed by said collector, and such sales so made shall be valid, whether the real estate so sold shall be assessed in the name of the true owner or not.

The amendment was agreed to.

Mr. Brooke moved to amend by striking out the word "advertised" and inserting in lieu thereof the word "offered."

The amendment was agreed to.

Mr. Brooke moved to amend by striking out the following words, to wit: "after the same shall have been, as aforesaid, advertised for sale, and" and to strike out the word "it" and to insert in lieu thereof the words "the same."

The amendment was agreed to.

Mr. Brooke moved to amend by striking out the words "and no deed shall be given in pursuance of such sale until the time of redemption shall have expired" and inserting in lieu thereof the following, to wit:

The deeds so made shall be deposited by said collector in the office for registry of deeds of the county in which the said real estate is situated, and the same shall not be recorded or delivered to the vendee until the expiration of two years from the date of sale, and the recitals in such deeds shall be taken to be true unless disproved by any party contesting them.

Mr. Toombs called for the question; which was seconded; and the vote having been taken by States, resulted as follows, to wit:

Yea: Arkansas, Florida, Louisiana, Mississippi, and Virginia, 5.

Nay: Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Texas, 6.

So the amendment was not agreed to.

Mr. Brooke moved to amend by adding at the end of the section the following, to wit:

*Provided*, That when the owner of any real estate is unknown, or is a nonresident of the State or tax district wherein the same is situated, and has no agent resident in said district, the assessor shall himself make out a list of such real estate for assessment.

The amendment was agreed to.

Mr. Davis moved to amend by inserting after the word "situated" the following, to wit:

or in case of their death or removal from office, by their successors, on payment of the purchase money, or producing a receipt therefor, if already paid.

The amendment was agreed to.

Mr. Ochiltree moved to amend by inserting after the word "expired" the following, to wit:

*Provided further*, That when the owner of any land or other real property sold for taxes under the provisions of this act shall be in the military service of the Confederate States before and at the time the said sale shall have been made, the said owner shall have the privilege of redeeming the said property at any time within two years after the close of his term of service.

The amendment was agreed to.

Mr. Johnston of Virginia moved to amend by inserting after the words "real estate" the following, to wit:

and the said deeds shall recite the appointment of said collector, the assessment and nonpayment of the tax imposed on said lands, and the sale in conformity with the regulations of this act, which recital shall be prima facie evidence of the truth of the same.

Mr. Toombs called for the question; which was seconded; and the vote thereon having been taken by States, resulted as follows, to wit:

Yea: Arkansas, Mississippi, and Virginia, 3.

Nay: Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Texas, 7.

Divided: Louisiana, 1.

So the amendment was not agreed to.

Mr. Davidson moved to amend by striking out the following words, to wit:

and also five dollars for every hundred taxable persons contained in the lists, as completed by him and delivered to the collector.

Mr. Davis moved to amend by striking out the following words, to wit: From the words "But in all cases where the property," where they occur in the ninth line, to the word "applicant," in the nineteenth line, inclusive, and inserting in lieu thereof the following, to wit:

And whenever land shall be sold for taxes, the sale shall be made to him who will take the least portion of the land for the amount of the taxes, costs, and commissions, and it shall be the duty of such purchaser, within the time allowed for redemption, to produce to the collector or his successor a plat of survey, made by a public surveyor of the district, setting forth by metes and bounds a description of that portion of the land purchased by him; and the collector or his successor shall execute a deed thereof as hereinafter directed.

The amendment was not agreed to.

Mr. Ochiltree moved to amend by inserting after the word "*Provided*" the following, to wit:

That in all cases where the homestead of the citizen is exempt from sale for taxes by virtue of the constitution of the State in which he lives, the same shall be exempt under the provisions of this act from forced sale.



The amendment was not agreed to.

So the section as amended reads as follows, to wit:

SEC. 12. That if the tax assessed on any real estate shall remain unpaid on the first day of June next, the tax collector of the district wherein the same is situated shall, on the first Monday in July thereafter, proceed to sell the same, or a sufficiency thereof, at public outcry, to the highest bidder, to pay said taxes, together with twenty per centum on the amount of said taxes and costs of sale; said sale to be at the court-house door of the county or parish wherein said real estate is situated, and if there shall be more than one county or parish in a district, the said tax collector is authorized to appoint deputies to make such sales in his name as he can not attend to himself, and for all lands so sold by said deputies, the deeds as hereinafter provided for shall be executed by said collector, and such sales so made shall be valid, whether the real estate so sold shall be assessed in the name of the true owner or not. But in all cases where the property shall not be divisible so as to enable the collector, by a sale of part thereof, to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, charges, and commissions, shall be paid to the owner of the property or his legal representatives, or if he or they can not be found, or refuse to receive the same, then such surplus shall be deposited in the Treasury of the Confederate States, to be there held for the use of the owner or his legal representatives until he or they shall make application therefor to the Secretary of the Treasury, who, upon such application, shall, by warrant on the Treasurer, cause the same to be paid to the applicant. And if the property offered for sale as aforesaid can not be sold for the amount of the tax due thereon, with the said additional twenty per centum thereto, the collector shall purchase the same in behalf of the Confederate States for the amount aforesaid: *Provided*, That the owner or superintendent of the property aforesaid, before the same shall have been actually sold, shall be allowed to pay the amount of the tax thereon, with an addition of ten per centum on the same, on the payment of which the sale of the said property shall not take place: *Provided also*, That the owners, their heirs, executors or administrators, or any person on their behalf, shall have liberty to redeem any lands and other real property sold as aforesaid, within two years from the time of sale, upon payment to the collector for the use of the purchaser, his heirs, or assignees, of the amount paid by such purchaser, with interest for the same at the rate of twenty per centum per annum; and no deed shall be given in pursuance of such sale until the time of redemption shall have expired: *Provided further*, That when the owner of any land or other real property sold for taxes under the provisions of this act shall be in the military service of the Confederate States before and at the time said sale shall have been made, the said owner shall have the privilege of redeeming the said property at any time within two years after the close of his term of service. And the collector shall render a distinct account of the charges incurred in offering and advertising for sale such property, and shall pay into the Treasury the surplus, if any there be, of the aforesaid addition of twenty per centum, or ten per centum, as the case may be, after defraying the charges. And in every case of the sale of real estate which shall be made under the authority of this act for the assessment and collection of direct taxes by the collectors or marshals respectively, or their lawful deputies respectively, or by any other person or persons, the deeds for the estate so sold shall be prepared, made, executed, and proved or acknowledged, at the time and times prescribed in this act by the collectors, respectively, within whose collection district such real estate shall be situated, or in case of their death or removal from office, by their successors, on payment of the purchase money, or producing a receipt therefor, if already paid, in such form of law as shall be authorized and required by the laws of the Confederate States, or by the law of the State in which such real estate lies, for making, executing, proving, and acknowledging deeds of bargain and sale, or other conveyances for the transfer and conveyance of real estate; and for every deed so prepared, made, executed, proved, and acknowledged, the purchaser or grantee shall pay to the collector the sum of five dollars for the use of the collector, marshal, or other person effecting the sale of the real estate thereby conveyed. The commissions hereinafter allowed to each collector shall be in full satisfaction of all services rendered by them. The assistant assessors appointed under them shall be entitled to three dollars for every day employed in making lists and assessments under this act, the number of days being certified by the collector and approved by the chief collector of the State, and also five dollars for every hundred taxable persons contained in the lists as completed by him and delivered to the collector: *Provided*, That when the owner of any real estate is unknown, or is a nonresident of the State or tax district wherein the same is situated, and has no agent resident in said district, the assessor shall himself make out a list of such real estate for assessment.



Section 16 being under consideration, Mr. Memminger moved to amend by striking out the word "week" and inserting in lieu thereof the following, to wit: "month, or during any shorter period which may be designated by the Secretary of the Treasury."

The amendment was agreed to, and the section as amended reads as follows, to wit:

SEC. 16. Upon receiving the tax due by each person, the collector shall sign two receipts in duplicate, one whereof shall be delivered to the person paying the same and the other shall be forwarded to the chief collector of that State. The money collected during each month, or during any shorter period which may be designated by the Secretary of the Treasury, shall be also immediately forwarded to the said chief collector and by him be disposed of according to the direction of the Secretary of the Treasury; and the said chief collector shall report the same immediately to the Secretary of the Treasury, and shall furnish him with a list specifying the names and amounts of each of the receipts which shall have been forwarded to him as aforesaid by the district collectors.

The seventeenth section being under consideration, Mr. Toombs moved to amend by striking out after the word "taxes" the following words, to wit: "in preference to every other lien;" which was agreed to.

Mr. Smith of North Carolina moved to amend by striking out the words:

and the lands and other property of any collector shall be bound by statutory lien for five years for all moneys received by him for taxes, the date of such lien to commence from the time of his receiving the money.

The amendment was not agreed to.

So the section as amended reads as follows, to wit:

SEC. 17. The taxes assessed on each person shall be a statutory lien for one year upon all the property of that person, in preference to any other lien; the said lien to take date from the first day of October, to which the valuation has relation, and the lands and other property of any collector shall be bound by statutory lien for five years for all moneys received by him for taxes, the date of such lien to commence from the time of his receiving the money.

Section 18 being under consideration, Mr. Memminger moved to amend by striking out the whole of said section and inserting in lieu thereof the following, to wit:

The compensation of the tax collectors shall be five per cent on the first ten thousand dollars received and two and a half per cent on all sums beyond that amount, until the compensation shall reach fifteen hundred dollars, beyond which no further compensation shall be paid.

Mr. Hill moved to amend the amendment by striking out the word "fifteen" and inserting the word "eight."

The amendment was agreed to, and the amendment as amended was agreed to.

So the section as amended reads as follows, to wit:

SEC. 18. The compensation of the tax collectors shall be five per cent on the first ten thousand dollars received and two and a half per cent on all sums beyond that amount, until the compensation shall reach eight hundred dollars, beyond which no further compensation shall be paid.

Section 20 being under consideration, Mr. Memminger moved to amend by striking out the following words, to wit: "the individual owner shall be exempt" and inserting in lieu thereof the following, to wit:

the stock in the hands of individuals shall be exempt from tax; and also all the real estate owned by the corporation and used for carrying on its business.

Mr. Davis moved to amend the amendment by adding thereto the following, to wit:

and the capital stock of all corporations shall be returned, and the tax paid by the corporations themselves, and not by the individual stockholders.

The amendment was agreed to, and the question recurring upon agreeing to the amendment as amended, the same was agreed to.

So the section as amended reads as follows, to wit:

SEC. 20. Corporations are intended to be embraced under the word persons, used in this act; and whenever the capital stock of any corporation is returned by the corporation itself and the tax paid, the stock in the hands of individuals shall be exempt from tax; and also all the real estate owned by the corporation and used for carrying on its business; and the capital stock of all corporations shall be returned, and the tax paid by the corporations themselves, and not by the individual stockholders. The term merchandise is designed to embrace all goods, wares, and merchandise held for sale, except the agricultural products of the country. Money at interest is intended to include the principal sum of all money belonging to any person, other than a bank, upon which interest is paid or to be paid by the debtor, as the same stands on the first day of October. The term cattle, horses, and mules is intended to include all such animals as are raised for sale, and not such as are raised merely for food and work on the plantation or farm where they are held. The term real estate is intended to include all lands and estates therein, and all interest growing thereout, including ferries, bridges, mines, and the like, and in all cases the actual marketable value of property is to be assessed.

Section 21 being under consideration, Mr. Brockenbrough moved to amend by inserting after the word "altered" the following, to wit:

or shall conspire or attempt to conspire with another to pass, utter, or publish, or attempt to pass, utter, or publish as true any falsely forged or counterfeited or any falsely altered Treasury note of the Confederate States, knowing the same to be falsely forged or counterfeited or falsely altered.

The amendment was agreed to, and the section as amended reads as follows, to wit:

SEC. 21. If any person shall, at any time during the existence of the present war between the Confederate States and the United States, or within one year after the ratification of a treaty of peace between them, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any note in imitation of or purporting to be a Treasury note of the Confederate States; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any Treasury note of the Confederate States; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true any false, forged, or counterfeited note purporting to be a Treasury note of the Confederate States, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true any falsely altered Treasury note of the Confederate States, knowing the same to be falsely altered; or shall conspire or attempt to conspire with another to pass, utter, or publish, or attempt to pass, utter, or publish as true any falsely forged or counterfeited or any falsely altered Treasury note of the Confederate States, knowing the same to be falsely forged or counterfeited or falsely altered; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall suffer death.

Section 22 being under consideration, Mr. Brockenbrough moved to amend by inserting after the word "altered" the following, to wit:

or shall conspire or attempt to conspire with another to pass, utter, or publish, or attempt to pass, utter, or publish as true any false, forged, or counterfeited bond or coupon purporting to be a bond or coupon of the Confederate States, or any falsely altered bond or coupon of the Confederate States, knowing the same to be falsely forged or counterfeited or falsely altered.

The amendment was agreed to, and the section as amended reads as follows, to wit:

SEC. 22. If any person shall, at any time, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in

falsely making, forging, or counterfeiting any bond or coupon in imitation of or purporting to be a bond or coupon of the Confederate States; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bond or coupon of the Confederate States; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true any false, forged, or counterfeited bond or coupon purporting to be a bond or coupon of the Confederate States, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true any falsely altered bond or coupon of the Confederate States, knowing the same to be falsely altered; or shall conspire or attempt to conspire with another to pass, utter, or publish, or attempt to pass, utter, or publish as true any false, forged, or counterfeited bond or coupon purporting to be a bond or coupon of the Confederate States, or any falsely altered bond or coupon of the Confederate States, knowing the same to be falsely forged or counterfeited or falsely altered; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a term not less than five years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Mr. Brockenbrough moved to amend by inserting as an additional section between sections 22 and 23 the following, to wit:

If any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession, any metallic plate engraved after the similitude of any plate from which any notes or bonds issued as aforesaid shall have been printed, with intent to use such plate, or cause or suffer the same to be used in forging or counterfeiting any of the notes or bonds issued as aforesaid; or shall have in his custody or possession any blank note or notes, bond or bonds, engraved and printed after the similitude of any notes or bonds issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes or bonds issued as aforesaid; or shall have in his custody or possession any paper adapted to the making of notes or bonds, and similar to the paper upon which any such notes or bonds shall have been issued, with intent to use such paper, or cause or suffer the same to be used in forging or counterfeiting any of the notes or bonds issued as aforesaid; every such person being thereof lawfully convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a term not less than five nor more than ten years, and fined in a sum not exceeding five thousand dollars.

Mr. Venable, by unanimous consent, moved to amend section 21 by striking out therefrom the words "shall suffer death" and inserting in lieu thereof the following, to wit:

shall be confined in the public jail or penitentiary for a term not less than ten nor more than fifteen years.

The amendment was not agreed to.

Mr. Macfarland moved to amend by adding the following as an additional section to the bill, viz:

SEC. 24. If any State shall, on or before the first day of April next, pay into the Treasury, notes of the Confederate States, or in specie, the taxes assessed against the citizens of such State, less ten per centum thereon, it shall be the duty of the Secretary of the Treasury to notify the same to the several tax collectors of such State, and thereupon their authority and duty under this act shall cease.

The amendment was agreed to.

Mr. Atkins moved to postpone the further consideration of the bill until 12 o'clock to-morrow; which was agreed to.

Mr. Foreman moved that a committee be appointed to inquire into the means by which the secret proceedings of Congress were published in the public journals; which was not agreed to.

Mr. Venable presented a memorial from Jephth Foulkes, of Tennessee; which was referred, without being read, to the Committee on Finance.

Mr. McRae offered the following resolution; which was agreed to, viz:

*Resolved*, That the Committee on Military Affairs be instructed to inquire of the Secretary of War what arrangements have been made for the reception and forwarding of



clothes, shoes, and blankets that may be sent to our Army by private contribution. And that in the event efficient arrangements have not been made for that purpose, the committee be further instructed to inquire into the expediency of creating a clerkship or bureau attached to the War Department for that purpose.

Mr. Walker introduced

A bill to prevent invasion, and to retaliate the treatment inflicted upon persons in the service of the Confederate States taken prisoners by the United States; which was read the first and second times and referred to the Committee on Foreign Affairs.

Mr. McRae offered the following resolution; which was agreed to, viz:

*Resolved*, That the President be requested to furnish Congress with the official reports of the various battles fought by our armies since the adjournment of Congress.

The Chair presented the following communication from the Secretary of War, viz:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,  
*Richmond, August 15, 1861.*

SIR: The Department has received the resolution of Congress embracing various interrogatories transmitted by the Hon. C. M. Conrad, chairman of the Committee on Naval Affairs, on the 9th August, 1861, and after mature deliberation I have concluded that it is not compatible with the public interests at this juncture of our military affairs to unfold the precise information desired. But the Congress may rest assured that the War Department is being administered in every particular mentioned toward the attainment of the great aim of the Confederate States and the beneficent ends proposed by Congress after that manner that circumstances will allow. I respectfully solicit the Congress to repose in the Department their faith and confidence, and not insist upon the disclosures that the answer to their interrogatories would necessarily evoke and which for the present the public service demands shall remain alone in the breast of the Administration.

L. P. WALKER,  
*Secretary of War.*

To the PRESIDENT OF CONGRESS.

The communication was referred to the special committee under the resolution of Mr. Conrad of 23d July.

The Chair also presented another communication from the War Department, viz:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,  
*Richmond, August 14, 1861.*

SIR: I have received from the Assistant Secretary of the Congress the following resolution passed by that body on the 12th instant:

*Resolved*, That the Secretary of War report to this House whether any measures have been taken to fortify New Orleans, in view of a probable attack upon that city at no distant period."

In answer to this resolution I have the honor to state that this Department has responded to the measures recommended by General Twiggs for the defense of New Orleans against any attack that may be made upon that city. Such fortifications as he has suggested have been approved and are now in process of erection, and all the guns he has called for have been ordered to his command. One hundred and twenty-five pieces of heavy caliber from the navy-yard at Portsmouth, turned over to this Department by the Navy Department, together with a number of 10-inch Columbiads, are being conveyed to him as fast as transportation can be obtained, and that skilled and eminent officer has with him all the troops he requires.

Respectfully,

L. P. WALKER,  
*Secretary of War.*

The PRESIDENT OF CONGRESS.

The communication was laid on the table.

Mr. Macfarland introduced



A bill to amend an act recognizing war, etc., approved March 4, 1861; which was read the first and second times and referred to the Committee on the Judiciary.

Mr. Scott presented a claim against the Confederate States of Simon L. Summers; which was referred to the Committee on Claims.

Mr. Orr introduced

A bill to establish a mail route from Charleston, Miss., to Friar's Point, Miss.;

which was read the first and second times and referred to the Committee on Postal Affairs.

Mr. Seddon offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Foreign Affairs be instructed to inquire whether additional legislation should not be had to prevent the blockade of the enemy from being made by connivance on his part with neutrals or by special permits operative only to such extent and in relation to such merchandise as they may desire to interdict, while the transportation of what is desired by them or neutrals may be accomplished.

On motion of Mr. Waul,

Congress adjourned until 11 o'clock to-morrow morning.

## TWENTY-FOURTH DAY—FRIDAY, AUGUST 16, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Bozeman.

Mr. Caruthers announced the presence of Messrs. David M. Currin and W. H. De Witt, Delegates from the State of Tennessee, who appeared, were qualified, and took their seats.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Johnson of Arkansas moved that hereafter the special order of each day be called for consideration at the hour of 12 m.

The motion was agreed to.

Mr. Johnson of Arkansas offered the following resolution; which was read and laid on the table, to wit:

*Resolved*, That so much of the resolution as fixes the day of adjournment of Congress for the nineteenth instant is repealed, and that Congress will adjourn on the twenty-sixth of August, eighteen hundred and sixty-one.

Mr. Curry offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Accounts be instructed to inquire into the propriety of increasing the compensation of the Doorkeeper, with leave to report by bill or otherwise.

Mr. Nisbet presented the petition of sundry citizens of Georgia in relation to a mail route; which was referred to the Committee on Postal Affairs, without being read.

Mr. Shorter presented

A bill to be entitled "An act to aid in the completion of a railroad for war and defensive purposes;" which was read first and second times and referred to the Committee on Military Affairs.

Mr. Campbell presented

A bill to be entitled "An act to amend the law in reference to the selection of adjutants to regiments of infantry in the volunteer service;" which was read first and second times and referred to the Committee on Military Affairs.

Mr. Rhett offered the following resolutions; which were read and agreed to, viz:

*Resolved*, That the President be requested, if in his opinion not incompatible with the public interests, to communicate to this Congress any information he may possess as to the hanging of captives in the late battle of Manassas.

*Resolved*, That the President be also requested to communicate to this Congress any information he may possess as to cruelties practiced by the authorities of the United States against prisoners taken in our privateers.

Mr. Jones of Tennessee presented the memorial of Steven D. Stout, of Tennessee; which was referred to the Committee on Patents, without being read.

Mr. Oldham presented a memorial of Daniel C. Healy; which was referred to the Committee on Claims, without being read.

Mr. Oldham presented joint resolutions concerning the revenue cutter Dodge and her officers; which were referred to the Committee on Naval Affairs, without being read.

Mr. Mason presented the petition of Mrs. Caroline A. Williamson; which was referred to the Committee on Claims, without being read.

Mr. Crawford offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of the Treasury be requested to inform the Congress at his earliest convenience whether the salaries of all officers connected with the collection of the customs may not be safely reduced during the continuance of the blockade; and, if so, to what extent.

Mr. Walker, from the Committee on Foreign Affairs, reported back with an amendment

A bill to be entitled "An act to prevent invasion, and to retaliate the treatment inflicted upon persons in the service of the Confederate States taken prisoners by the United States;" which was read first and second times and, on motion, placed on the Calendar and ordered to be printed.

Mr. Perkins, from the Committee on Foreign Affairs, to whom was referred

A resolution expressing the approval of Congress of the plan of the commission merchants and insurance companies to keep the cotton crop in the interior.

reported the same back, with the recommendation that it pass.

The resolution was agreed to, and, on motion, the injunction of secrecy was removed therefrom.

Mr. Perkins, from the Committee on Foreign Affairs, reported the following resolution; which was read and placed on the Calendar, to wit:

*Resolved*, That it is the sense of Congress that our commissioners abroad be authorized to extend for a limited period commercial and tonnage advantages to those nations earliest recognizing our independence by the formation of commercial treaties.

Mr. Barnwell, from the Committee on Finance, reported

An act to amend the law in relation to the export of tobacco and other commodities,  
with the recommendation that it pass.

The bill was read first and second times, engrossed, read a third time, and passed.

Mr. Brockenbrough, from the Committee on the Judiciary, reported

A bill to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them,  
with the recommendation that it pass.

The bill having received its first and second readings, was, on motion, placed on the Calendar and ordered to be printed.

Mr. Brockenbrough, from the same committee, reported

An act to authorize the district courts of the Confederate States to appoint commissioners with power to arrest persons charged with offenses, and for other purposes,  
with the recommendation that it pass.

The bill having been read first and second times, was, on motion, placed on the Calendar and ordered to be printed.

The unfinished business of yesterday, which was made the special order for to-day at 12 o'clock m., was then taken up; which was the consideration of the engrossment for its passage, of the bill to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Rhett, at the instance of the State of South Carolina, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Yea: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Foreman, Crawford, Nisbet, Hill, Wright, T. R. R. Cobb, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Harrison, and Campbell.

North Carolina—Yea: Messrs. Davis, Avery, Smith, Ruffin, Venable, Morehead, Puryear, Craige, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Caruthers, Jones, Atkins, House, Thomas, Curin, and De Witt.

Texas—Yea: Messrs. Hemphill, Waul, Gregg, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Hunter, Tyler, Macfarland, Boccock, Rives, Mason, Brockenbrough, and Johnston.

So the bill was engrossed, read third time, and passed.

Mr. Kenner moved that when the President shall sign and approve the said bill that the vote thereon be made public as unanimous.

Mr. Curry moved to suspend the further consideration for the present of the special order, for the purpose of receiving reports of committees of bills or resolutions which are to be placed on the Calendar, or such as do not elicit discussion.

The motion prevailed.

Mr. Shorter, from the Committee on Engrossment, to whom was referred

A resolution of instruction requiring the committee to consider and report upon the expediency of allowing the Secretary to appoint a clerk to file and take charge of the papers of Congress under the supervision of the Secretary, and at the same compensation allowed the assistant secretaries,

reported that in the opinion of the committee, though the services of such a clerk are needed, they consider it unnecessary to make such appointment before the commencement of the next session, and asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Conrad, from the Committee on Naval Affairs, to whom was referred the petition of Dr. A. Y. P. Garnett, reported the same back, asked to be discharged from its further consideration, and that the petition lie on the table; which was agreed to.

Mr. Conrad, from the same committee, reported back the petition of Jonas P. Levy, asked to be discharged from the further consideration of the same, and that it lie on the table; which was agreed to.

Mr. Conrad, from the Committee on Naval Affairs, reported back

A bill with amendments to be entitled "An act to amend an act [entitled 'An act] recognizing the existence of war between the United [States] and the Confederate States, and concerning letters of marque, prizes, and prize goods,' approved May sixth, eighteen hundred and sixty-one, and an act entitled 'An act regulating the sale of prizes and the distribution thereof,' approved May sixteenth, eighteen hundred and sixty-one;"

which was ordered to be placed on the Calendar and printed.

Mr. Conrad, from the same committee, reported

A bill to be entitled "An act to provide for certain revenue officers;" which was read first and second times and placed on the Calendar.

Mr. Conrad, from the same committee, reported

An act to authorize the President to confer temporary rank and command on officers of the Navy doing duty with troops; which was read first and second times and placed on the Calendar.

Mr. Johnson of Arkansas, from the Committee on Military Affairs, to whom was referred

A resolution of inquiry as to the propriety of furnishing men and tools for the manufacture, etc., of small arms at Little Rock, Ark., etc.,

reported same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Johnson of Arkansas, from the same committee, reported

A bill supplementary to an act to put in operation the Government under the permanent Constitution of the Confederate States of America; which was read first and second times and referred to the Committee on the Judiciary.

Mr. Johnson of Arkansas, from the same committee, reported

A resolution to provide transportation in certain cases; which was read first and second times and placed on the Calendar.



Mr. Miles, from the Committee on Military Affairs, to whom was referred

A resolution authorizing volunteers to appoint substitutes, reported the same back, asked to be discharged from its further consideration, and that resolution lie on the table; which was agreed to.

Mr. Miles, from the same committee, to whom was referred

A bill to be entitled "An act to authorize the auditing, settlement, and payment of a claim therein named,"

reported the same back, with the recommendation that it be referred to the Committee on Claims; which was agreed to.

Mr. Miles, from the same committee, to whom was referred

A resolution touching the pay of fifth sergeants and corporals of a Georgia regiment,

reported same back, asked to be discharged from its further consideration, and that the same be referred to the Committee on Claims; which was agreed to.

Mr. Miles, from the same committee, to whom was referred a communication respecting increase of the compensation of chaplains in the Army, reported the same back, asked to be discharged from its further consideration, and that the communication lie on the table; which was agreed to.

Mr. Miles, from the same committee, to whom was referred the memorial of certain railroads, reported same back, asked to be discharged from the further consideration thereof, and that the memorial lie on the table; which was agreed to.

Mr. Miles, from the same committee, reported

A bill making appropriations for military hospitals; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Miles, from the same committee, reported

A bill to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. McRae offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President be requested to furnish Congress with the official reports of the various battles fought by our armies since the adjournment of Congress.

Mr. Curry, from the Committee on Postal Affairs, reported

A bill to be entitled "An act amendatory of an act prescribing the rates of postage in the Confederate States, approved February twenty-third, eighteen hundred and sixty-one," and recommended its passage.

The bill was read first and second times, engrossed, read third time, and passed.

Mr. Chilton, from the Committee on Postal Affairs, reported

A bill to be entitled "An act to establish the rates of postage on newspapers and periodicals sent to dealers therein through the mail or by express over post roads," with recommendation that it pass.

The bill was read first and second times and placed on the Calendar.

Mr. Shorter, from the Committee on Engrossment, offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of Congress be authorized to employ under the supervision of the Committee on Engrossment, such clerical force as may be found need-

ful for the engrossment and enrollment of bills during the remainder of the present session, at a personal compensation of not more than six dollars per day.

Mr. Harris, from the Committee on the Judiciary, to whom was referred the petition of Ladislas Wankowicz praying a change of his name, reported that the committee had no power to grant the petition, asked to be discharged from its further consideration, and that it lie on the table; which was agreed to.

Mr. Harris, from the same committee, reported back

An act vesting in the President of the Confederate States the power of retaliation,

with the recommendation that it pass.

On motion, the bill was placed on the Calendar.

Mr. Puryear, from the Committee on Naval Affairs, to whom was referred

An act to further amend an act to provide for the organization of the Navy, approved March 16, 1861, reported as a substitute for the same

An act further to amend an act to provide for the organization of the Navy, approved March 16, 1861; which was placed on the Calendar.

Mr. Memminger, from the special committee on the removal of the seat of government, presented a report; which was placed on the Calendar.

Mr. Gregg, from the Committee on Claims, to whom was referred the petition of Oliver Hoover, reported the same back, asked to be discharged from its consideration, and that the petition lie on the table; which was agreed to.

Mr. Gregg, from the same committee, reported back the memorial of R. C. Cummings & Co., with recommendation that it be postponed until the end of the war; which was agreed to.

Mr. Gregg, from the same committee, reported back the memorial of Thomas Ellison, with the same recommendation; which was agreed to.

Mr. Gregg, from the same committee, reported back the memorial of H. H. Gurley, with the same recommendation; which was agreed to.

Mr. Gregg, from the same committee, reported back the petition of Samuel Jones, with the same recommendation; which was agreed to.

Mr. Gregg, from the same committee, reported back the petition of John O. Moran, with same recommendation; which was agreed to.

Mr. Gregg, from the same committee, reported back the memorial of Dr. P. M. Enders, with same recommendation; which was agreed to.

Mr. Gregg, from the same committee, to whom was referred the petition of H. Y. Gray, reported that the committee found no sufficient evidence of the justness of the claim, asked to be discharged from its further consideration, and that the petition lie on the table; which was agreed to.

Mr. Gregg, from the same committee, to whom was referred

A bill to be entitled "An act to authorize the Secretary of War to make a certain payment out of the contingent fund of the War Department,"

reported the same back, with the recommendation that it pass.

The bill, on motion, was ordered to be placed on the Calendar.

Congress then took up the special order; which was the consideration of

A bill to authorize the admission of the State of Missouri as a member of the Confederate States of America, and for other purposes.

The first section of the same being under consideration; which is as follows, to wit:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the State of Missouri shall be admitted a member of the Confederate States of America upon an equal footing with the other States under the Constitution for the Provisional Government of the same, upon the condition that the said Constitution for the Provisional Government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State, and the governor of said State shall transmit to the President of the Confederate States an authentic, etc.

Mr. Campbell moved to amend by striking out the words "the properly and legally constituted authorities" and inserting in lieu thereof the following words, to wit: "a convention of the people or a majority of the legal voters."

Mr. Campbell demanded the question; which was seconded; and the question being put, the amendment was not agreed to.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend the law in relation to the export of tobacco and other commodities.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to amend the law in relation to the export of tobacco and other commodities.

Mr. Waul moved to strike out the whole of the first section; pending the consideration of which motion,

Congress, on motion of Mr. Sparrow,

Adjourned until 11 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented a communication from the President, transmitting, for the advice and consent of Congress, the nomination of P. O. Hébert, of Louisiana, to be brigadier-general in the Provisional Army of the Confederate States; which was referred to the Committee on Military Affairs.

Mr. Miles, from the Committee on Military Affairs, to whom was referred, on the 13th instant, the communication of the President nominating, for the advice and consent of Congress, a list of officers for the Provisional Army of the Confederate States, reported the same back, with a recommendation that the Congress advise and consent thereto.

The report was agreed to, and Congress advised and consented to the nominations.

On motion of Mr. Chesnut, Congress took up for consideration the nomination of E. Canteý Stockton to be a lieutenant in the Marine Corps of the Confederate States of America.

Mr. Chesnut moved that Congress do advise and consent to said nomination.

The vote thereon having been taken by States, resulted as follows: Yea: Louisiana, South Carolina, Texas, and Virginia, 4.

Nay: Alabama, Florida, Georgia, Mississippi, and Tennessee, 5.

Divided: Arkansas and North Carolina, 2.

At the instance of the State of Texas, the yeas and nays of the entire body were ordered to be recorded thereon, and are as follows:

Alabama—Yea: Mr. McRae. Nay: Messrs. Walker, Smith, Curry, Chilton, Shorter, and Jones.

Arkansas—Yea: Messrs. Johnson and Garland. Nay: Messrs. Thomason and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Wright and Stephens. Nay: Messrs. Howell Cobb, Foreman, Crawford, Nisbet, and Hill.

Louisiana—Yea: Messrs. Perkins, De Clouet, Kenner, and Marshall. Nay: Mr. Conrad.

Mississippi—Yea: Mr. Orr. Nay: Messrs. Harris, Brooke, Harrison, and Campbell.

North Carolina—Yea: Messrs. Davis, Morehead, and Davidson. Nay: Messrs. Smith, Ruffin, and Venable.

South Carolina: Yea: Messrs. Keitt, Chesnut, Miles, and Boyce. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Messrs. Atkins and Jones. Nay: Messrs. Caruthers, House, and Thomas.

Texas—Yea: Messrs. Hemphill, Waul, Gregg, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Tyler, Macfarland, Rives, Scott, Mason, and Brockenbrough. Nay: Messrs. Seddon, W. B. Preston, and Bocock.

And the vote having been announced as follows:

Yea: Louisiana, South Carolina, Texas, and Virginia, 4.

Nay: Alabama, Florida, Georgia, Mississippi, and Tennessee, 5.

Divided: Arkansas and North Carolina, 2.

Congress refused to advise and consent to the nomination.

By unanimous consent, Mr. Venable withdrew his motion to reconsider the vote advising and consenting to the nomination of George T. Cook to be postmaster at Raleigh, N. C.

Congress resumed legislative session.

## TWENTY-FIFTH DAY—SATURDAY, AUGUST 17, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment; and  
Resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

The Chair presented the following communication from the President; which was read and referred to the Committee on Military Affairs, to wit:

EXECUTIVE DEPARTMENT,  
*Richmond, August 15, 1861.*

HON. HOWELL COBB,  
*President of Congress.*

SIR: I herewith transmit to the Congress a communication from the honorable Secretary of War, asking for an appropriation of \$130,000 to provide for cooks and nurses to minister to the sick and wounded of the Army.

JEFFERSON DAVIS.

Mr. Johnson of Arkansas moved to take up the consideration of a resolution which was introduced by him and laid on the table, fixing the time of adjournment of the Congress.



The motion prevailed.

Mr. Ochiltree moved to amend by striking out the words "twenty-sixth" and inserting in lieu thereof the words "twenty-second."

Mr. Johnson of Arkansas called the question; which was seconded, and, at the instance of the State of Arkansas, demanded that the yeas and nays of whole body be recorded; which are as follows, to wit:

Yea: Alabama, Georgia, and Mississippi, 3.

Nay: North Carolina, South Carolina, Tennessee, and Virginia, 4.

Divided: Arkansas, Louisiana, and Texas, 3.

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Shorter, and Jones. Nay: Mr. McRae.

Arkansas—Yea: Messrs. Garland and Watkins. Nay: Messrs. Johnson and Thomason.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, Nisbet, and Wright. Nay: Messrs. Hill and T. R. R. Cobb.

Louisiana—Yea: Messrs. Perkins, Sparrow, and Marshall. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Harris and Harrison.

North Carolina—Yea: Messrs. Smith, Craige, and Davidson. Nay: Messrs. Davis, Avery, Venable, Morehead, and Puryear.

South Carolina—Yea: Messrs. Barnwell and Memminger. Nay: Messrs. Rhett, Keitt, Chesnut, Miles, and Boyce.

Tennessee—Yea: Mr. Thomas. Nay: Messrs. House, Caruthers, Jones, and De Witt.

Texas—Yea: Messrs. Oldham and Ochiltree. Nay: Messrs. Hemp-hill and Waul.

Virginia—Yea: Messrs. Rives and Mason. Nay: Messrs. Seddon, W. B. Preston, Hunter, Tyler, Macfarland, Bocoek, Scott, Brocken-brough, Johnston, and Walter Preston.

So the amendment was not agreed to.

Mr. Keitt moved to amend by striking out the words "twenty-sixth" and inserting in lieu thereof the words "twenty-fourth," and called for the question; which was seconded; and the question being put, the amendment was agreed to.

Mr. Thomason moved to amend by inserting after the words "nineteenth instant" "and its next meeting on the third Monday in November next," and by adding at the close of the resolution the words "and meet again on the first Monday in December next."

Mr. Conrad moved to amend the amendment by striking out the words "first Monday in December" and inserting in lieu thereof the words "first Monday in October."

Mr. Johnson of Arkansas called the question; which was seconded; and the question being put, the amendment was not agreed to.

Mr. Sparrow moved to amend the amendment by striking out the words "first Monday in December" and inserting in lieu thereof the words "first Monday in January," and called the question; which was seconded; and the question being put, the amendment was not agreed to.

Mr. Thomason called the question, which was upon agreeing to the amendment as offered by him; and the call being seconded, Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Yea: Arkansas, Mississippi, and Tennessee, 3.

Nay: Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, 6.

Divided: Louisiana and Texas, 2.

Alabama—Yea: Messrs. Curry, Chilton, and McRae. Nay: Messrs. Walker, Smith, Shorter, and Jones.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins. Nay: Mr. Johnson.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Crawford, Hill, and T. R. R. Cobb. Nay: Messrs. Howell Cobb, Foreman, Nisbet, and Wright.

Louisiana—Yea: Messrs. De Clouet, Kenner, and Sparrow. Nay: Messrs. Perkins, Conrad, and Marshall.

Mississippi—Yea: Messrs. Harris and Harrison. Nay: Mr. Campbell.

North Carolina: Nay: Messrs. Davis, Avery, Smith, Venable, Morehead, Puryear, Craige, and Davidson.

South Carolina—Yea: Mr. Barnwell. Nay: Messrs. Rhett, Keitt, Chesnut, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. House, Caruthers, and De Witt. Nay: Messrs. Jones and Thomas.

Texas—Yea: Messrs. Oldham and Ochiltree. Nay: Messrs. Hemphill and Waul.

Virginia—Yea: Mr. Rives. Nay: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Boccock, Scott, Mason, Brockenbrough, Johnston, Staples, and Walter Preston.

So the amendment was not agreed to.

Mr. Keitt called the question, which was upon agreeing to the resolution as amended; and the call being seconded, the question was put, and the resolution as amended was agreed to.

Congress then resumed the unfinished business of yesterday; which was the consideration of the motion by Mr. Waul to strike out the first section of

A bill to provide for the admission of Missouri, etc.

Mr. Avery called the question; which was not seconded.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act amendatory of an act to prescribe the rates of postage in the Confederate States of America, approved February 23, 1861.

Mr. Waul withdrew his motion to strike out, and pending the consideration of the first section.

Congress, on motion of Mr. Miles.

Adjourned until 11 o'clock Monday morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented a communication from the President, transmitting, for the advice and consent of the Congress, a list of appointments for collectors, viz:

Tandy H. Trice, for Memphis, Tenn.; W. C. Davis, for Elizabeth City, N. C.; Joseph Ramsey, for Plymouth, N. C.;

which was referred to the Committee on Commercial Affairs.

Mr. Miles, from the Committee on Military Affairs, to whom was referred the nomination of P. O. Hébert, to be brigadier-general in the Provisional Army of the Confederate States, reported the same back and recommended that Congress advise and consent to the same.

The report was agreed to, and Congress advised and consented to the nomination.

Mr. Crawford, from the Committee on Commercial Affairs, to whom was referred the communication of the President, of the 14th instant, transmitting a list of appointments for collectors made during the recess of Congress, reported the same back and recommended that Congress advise and consent to the nominations.

The report was agreed to, and Congress advised and consented to the nominations.

Congress resumed legislative session.

## TWENTY-SIXTH DAY—MONDAY, AUGUST 19, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Pettigrew.

Mr. Harris presented a communication from the State of Mississippi, upon the subject of finance; which was referred to the Committee on Finance, without being read; also

A communication from the legislature of Mississippi, upon the subject of unpaid agents and contractors for mail service, etc.; which was referred to the Committee on Postal Affairs, without being read.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

The Chair presented the following communication from the President; which was read and, together with accompanying documents, was referred to the Committee on Military Affairs, to wit:

EXECUTIVE DEPARTMENT,  
*Richmond, August 17, 1861.*

SIR: In reply to the resolution of Congress of the 15th instant, calling upon me to furnish that body with the official reports of the various battles fought by our armies since its last adjournment, I have the honor herewith to submit the report of the Secretary of War covering your resolution.

JEFFERSON DAVIS.

To the Hon. HOWELL COBB,  
*President of the Congress.*

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Chilton presented

A bill to be entitled "An act to establish a bureau in connection with the Treasury Department to be called the Bureau of Produce Loan, and to provide for so disposing of the cotton crop of the Confederate States as shall best conduce to the public defense during the war;"

which was read first and second times and referred to the Committee on Finance.

Mr. Morton offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Postal Affairs be instructed to inquire into the expediency of establishing a mail route from Monticello, Florida, to Station 17 in the State of Georgia, on the Savannah, Albany and Gulf Railroad.

Mr. Crawford presented the memorial of citizens of Georgia; which was referred to the Committee on Postal Affairs, without being read.

Mr. Foreman presented the petition of Thomas M. Newell, late captain in United States Navy; which was referred to the Committee on Naval Affairs, without being read.

Mr. Brooke presented

A bill to be entitled "An act concerning the marine hospital of Natchez, Mississippi;"

which was read first and second times and referred to the Committee on Commercial Affairs.

Mr. Venable introduced

A bill to be entitled "An act to authorize the appointment of an additional assistant surgeon to each regiment in the Army of the Confederate States."

and moved its passage.

The bill having been read first and second times,

Mr. Barnwell moved to refer it to the Committee on Military Affairs.

Mr. Keitt called the question; which was seconded; and the question being put, the motion to refer did not prevail.

Mr. Orr of Mississippi moved to amend the bill by adding thereto the following words, to wit: "at the discretion of the Secretary of War."

Mr. Johnson of Arkansas called the question; which was seconded; and the question being put, the amendment was not agreed to.

Mr. Campbell called the question; which was seconded, the question being upon the ordering the bill to be engrossed for a third reading; and the question being put, the bill was engrossed, read the third time, and passed.

The hour of 12 m. having arrived, Congress resumed the consideration of the unfinished business of Saturday; which was the consideration of

A bill to provide for the admission of Missouri, etc.

Mr. Macfarland moved to postpone the further consideration of the bill for the present, for the purpose of calling for resolutions, etc., from States and reports from the committees.

The motion did not prevail.

Section 2 being under consideration; which is as follows, to wit:

SEC. 2. That the President of the Confederate States of America be, and he is hereby, authorized to cooperate through the military power of this Government with the authorities and the people of the State of Missouri in defending that State against a lawless invasion by the United States, and in maintaining the liberty and independence of her people; and that he be authorized and empowered to receive and muster into the service of the Confederate States, in the State of Missouri, such troops of that State as may volunteer to serve in the Army of the Confederate States, subject to the rules and regulations of said Army, and in accordance with the laws of Congress.

Mr. Johnson of Arkansas, from the Committee on Military Affairs, moved to amend by inserting after the word "empowered" the words "at his discretion."

And also at the end of the section the following, to wit:

and said troops may be received into service by companies, battalions, or regiments, with their officers elected by the troops, and the officers so elected shall be commissioned by the President; and when mustered into service said companies, battalions, or regiments may be attached to such brigades or divisions as the President may determine; and the President shall have power to appoint field officers for all battalions and regiments organized out of separate companies mustered into service, and to add to battalions a sufficient number of separate companies to complete their



organization into regiments, and to appoint the additional field officers necessary for the complete organization of the regiments so formed; and all vacancies that may occur amongst the commissioned officers of troops mustered into service under this act shall be filled in the manner provided in the act entitled "An act for the establishment and organization of the Army of the Confederate States of America," approved sixth March, eighteen hundred and sixty-one.

The amendments were agreed to, and the section as amended reads as follows, to wit:

SEC. 2. That the President of the Confederate States of America be, and he is hereby, authorized to cooperate through the military power of this Government with the authorities and the people of the State of Missouri in defending that State against a lawless invasion by the United States, and in maintaining the liberty and independence of her people; and that he be authorized and empowered, at his discretion, to receive and muster into the service of the Confederate States, in the State of Missouri, such troops of that State as may volunteer to serve in the Army of the Confederate States, subject to the rules and regulations of said Army, and in accordance with the laws of Congress; and said troops may be received into service by companies, battalions, or regiments, with their officers elected by the troops, and the officers so elected shall be commissioned by the President; and when mustered into service said companies, battalions, or regiments may be attached to such brigades or divisions as the President may determine; and the President shall have power to appoint field officers for all battalions and regiments organized out of separate companies mustered into service, and to add to battalions a sufficient number of separate companies to complete their organization into regiments, and to appoint the additional field officers necessary for the complete organization of the regiments so formed; and all vacancies that may occur amongst the commissioned officers of troops mustered into service under this act shall be filled in the manner provided in the act entitled "An act for the establishment and organization of the Army of the Confederate States of America," approved sixth March, eighteen hundred and sixty-one.

The third section being under consideration; which is as follows, to wit:

SEC. 3. That the protection of this Government is hereby extended over all the citizens of the State of Missouri engaged in resisting the lawless aggressions of the United States, or who may sympathize with and desire to unite their State with this Confederacy.

Mr. Johnson, from the Committee on Military Affairs, moved to amend by striking out the same and inserting in lieu thereof the following, to wit:

SEC. 3. That the Congress of the Confederate States recognize the government of which Claiborne F. Jackson is the chief magistrate to be the legally elected and regularly constituted government of the people and State of Missouri; and that the President of the Confederate States be, and he is hereby, empowered, at his discretion, at any time prior to the admission of the said State as a member of this Confederacy, to perfect and proclaim an alliance, offensive and defensive, with the said government, limited to the period of the existing war between this Confederacy and the United States; the said treaty or alliance to be in force from the date thereof and until the same shall be disaffirmed or rejected by this Congress.

The amendment was agreed to.

The preamble being under consideration; which is as follows, to wit:

The State of Missouri being now engaged in open and active hostilities against the United States, and Congress being satisfied that the properly constituted authorities thereof, in conformity with the will of the people, are contemplating measures to make said State in the future a member of this Confederacy, which measures may be consummated during the approaching recess of Congress: Now, therefore.

Mr. Miles, from the Committee on Military Affairs, moved to amend by striking out the same and inserting in lieu thereof the following, to wit:

Whereas the people of the State of Missouri have been prevented by the unconstitutional interference of the Government of the United States from expressing their

will through their legally constituted authorities in regard to a union with the Confederate States of America, and are now engaged in repelling a lawless invasion of their territory by armed forces; and

Whereas it is the right and the duty of the Confederate States to aid the people and government of the said State in resisting such invasion, and in securing the means and the opportunity of expressing their will upon all questions affecting their rights and liberties: Now, therefore.

The amendment was agreed to, and the bill as amended was engrossed, read third time, and passed.

Mr. Miles, from the Committee on Military Affairs, moved to change the title of the bill by inserting the following words, to wit: "aid the State of Missouri in repelling invasion by the United States. and to."

The amendment was agreed to.

Mr. Smith called for the consideration of the next special order; which was a bill from the Judiciary Committee, entitled

An act for the forfeiture and confiscation of the estates, property, and effects of alien enemies.

Mr. Conrad moved to postpone the consideration of the same to take up a resolution introduced by him.

The motion did not prevail.

Mr. Conrad moved to postpone its consideration until Thursday next.

The motion did not prevail.

The first section of the bill being under consideration; which is as follows, to wit:

SECTION 1. *Be it therefore enacted by the Congress of the Confederate States of America,* That all and every the lands, tenements and hereditaments, goods and chattels, rights and credits within these Confederate States, and every right and interest therein held, owned, possessed, or enjoyed by or for any alien enemy since the twenty-first day of May, eighteen hundred and sixty-one, be, and the same are hereby, forfeited and confiscated by and for the Confederate States of America, and especially for the full indemnity of any true and loyal citizen or resident of these Confederate States, or other person aiding said Confederate States in the prosecution of the present war between said Confederate States and the United States of America, and for which he has suffered any loss or injury under the act of the United States to which this act is retaliatory, and the same shall be seized and condemned and appropriated as provided for in this act: *Provided, however,* When the estate, property, or rights to be effected by this act were, or are, within some State of this Confederacy, which has become such since said twenty-first day of May, then this act shall operate upon, and as to such estate, property, or rights, and all persons claiming the same from and after the day such State so became a member of this Confederacy, and not before.

Mr. Walker moved to amend the same by striking out, in the tenth line, the words "and for which he has suffered" and inserting the words "who may suffer" in lieu thereof, and by adding after the word "retaliatory," in the eleventh line, the words

or under any other act of the United States, or of any of the States thereof, authorizing the seizure, sequestration, or confiscation of the property of such citizens or residents of the Confederate States, or other persons aiding said Confederate States.

Mr. Thomas R. R. Cobb moved to amend the amendment by adding to the end thereof the following words, viz:

or by reason of the seizure or detention of any property belonging to citizens or corporations of the Confederate States, either before or after the passage of the act aforesaid, either by the Government of the United States or by any of its officers or by its authority.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the appointment of an additional assistant surgeon to each regiment in the Army of the Confederate States of America; also

An act to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes.

Mr. Kenner introduced

A bill to impose additional duties on foreign imports in certain cases; which was read first and second times and referred to the Committee on Finance.

Mr. House introduced

A bill to admit certain articles free of duty during the war; which was read first and second times and referred to the Committee on Finance.

Mr. Currin introduced

A bill for the construction of gunboats; which was read first and second times and referred to the Committee on Naval Affairs.

Mr. Tyler presented the petition of John E. McWilliams; which was referred to the Committee on Claims, without being read.

Mr. Macfarland presented a memorial; which was referred to the Committee on Postal Affairs, without being read.

On motion of Mr. Miles,

Congress then adjourned until 11 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented a communication from the President, nominating Jesse B. Clements to be marshal for the district of Tennessee and asking to withdraw the nomination of John Guthrie for that office, the Congress not having yet acted on the nomination; which was referred to the Committee on the Judiciary.

The Chair also laid before Congress a communication from the President, nominating John A. Jones, of Georgia, and Hugh McLeod, of Texas, to be majors in the Provisional Army of the Confederate States of America; Charles Stringfellow, of Virginia, to be assistant adjutant-general, with the rank of captain, in the Provisional Army of the Confederate States; which was referred to the Committee on Military Affairs.

The Chair also presented a communication from the President, nominating George S. Shryock, of Kentucky, to be a lieutenant in the Navy of the Confederate States; which was referred to the Committee on Naval Affairs.

Mr. Cobb, from the Committee on the Judiciary, to whom was referred the nomination of Jesse B. Clements, reported the same back recommending that Congress consent to the withdrawal of the nomination of John Guthrie and advise and consent to the nomination of Jesse B. Clements to be marshal for the district of Tennessee.

The report was agreed to, [and] Congress advised and consented to the nomination of Jesse B. Clements.

Mr. Miles, from the Committee on Military Affairs, reported back the nomination of John A. Jones, of Georgia, to be major in the Provisional Army, and recommended that Congress advise and consent thereto.

The report was agreed to, and Congress advised and consented to the nomination.

Mr. Crawford, from the Committee on Commercial Affairs, to whom was referred the nomination of Tandy H. Trice, William C. Davis, and Joseph Ramsey, to be collectors, etc., reported the same back, with a recommendation that Congress advise and consent thereto.

The report was agreed to, and Congress advised and consented to the nominations.

Mr. Watkins moved to reconsider the vote by which the nomination of E. Cantej Stockton was rejected.

Pending which,

Congress resumed legislative session.

## TWENTY-SEVENTH DAY--TUESDAY, AUGUST 20, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Slack.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Barnwell, from the Committee on Finance, by unanimous consent, introduced

A bill to be entitled "An act making appropriations to carry into effect an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption;"

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Barnwell, from the same committee, reported

A bill to audit the claims of the respective States against the Confederate Government;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Barnwell, from the same committee, reported

A bill entitled "An act to impose additional duties on foreign imports in certain cases;"

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Barnwell, from the same committee, reported and recommended the passage of

A bill to be entitled "An act providing for the disposition of unclaimed goods deposited in warehouse, as prescribed by existing laws;"

which was read first and second times, engrossed, read third time, and passed.

Mr. Barnwell, from the same committee, to whom was referred the memorial of Jephtha Foulkes, reported the same back, asked to be discharged from its further consideration, and that the memorial lie on the table; which was agreed to.



Mr. Barnwell, from same committee, moved to make the special order for Friday next the appropriation bills reported from the Committee on Finance.

The motion was agreed to.

Mr. Wright presented a memorial from certain citizens of Georgia; which was referred to the Committee on Military Affairs, without being read.

Mr. Oldham presented a memorial of Charles C. Clute, telegraphic superintendent; which was referred to the Committee on Military Affairs, without being read.

Mr. T. R. R. Cobb presented the memorial of W. H. Hardee; which was referred to the Committee on Patents, without being read.

Mr. T. R. R. Cobb offered

A resolution relative to the equipment of volunteer cavalry companies; which was read first and second times.

Mr. Craige moved to refer the same to the Committee on Military Affairs.

The motion was not agreed to.

Mr. Kenner moved to amend the same by inserting the words "whose services are accepted for the war."

The amendment was agreed to, and the resolution as amended was engrossed, read third time, and passed.

The Senator having returned the tax bill with his approval and signature,

Mr. Kenner moved the taking up and consideration of his motion to publish the vote on the passage of the same as unanimous.

The motion prevailed.

The motion to publish was taken up and agreed to.

Mr. Davis of North Carolina offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Naval Committee inquire whether any, and what, provision should be made for the case of officers in the Coast Survey service of the United States who have resigned on account of the secession of their States.

Mr. Barry was, on motion, by unanimous consent, allowed to record his vote in favor of the passage of the bill to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Miles, from the Committee on Military Affairs, reported

A bill to provide for local defense and special service, and recommended its passage.

The bill was read first and second times, engrossed, read third time, and passed.

Mr. Miles, from the same committee, reported and recommended the passage of

A bill to authorize the employment of cooks and nurses, other than enlisted men or volunteers, for the military service; which was read first and second times, engrossed, read third time, and passed.

Mr. Miles, from the same [committee], reported and recommended the passage of

A bill to authorize payment to be made for certain horses purchased for the Army by Col. A. W. McDonald; which was read first and second times, engrossed, read third time, and passed.

Mr. Miles, from the same committee, asked the passage of a bill already reported and on the Calendar, entitled

A bill making appropriation for the service of physicians to be employed in connection with the medical staff of the Army.

The bill was taken up, engrossed, read third time, and passed.

Mr. Miles, from the same committee, called for the consideration of a Calendar bill entitled

A bill making appropriations for the public defense.

The bill was taken up, engrossed, read third time, and passed.

Mr. Miles, from the same committee, called for the consideration of a Calendar bill entitled

A bill to increase the Corps of Artillery.

The bill was taken up, and the third section being under consideration. Mr. Miles, from the Military Committee, moved to amend by striking out the words "two thousand" and inserting in lieu thereof the words "twenty-five hundred."

The amendment was agreed to, and the bill as amended was engrossed, read third time, and passed.

Mr. Johnson of Arkansas, by unanimous consent, introduced the following resolution: which was read and agreed to, to wit:

*Resolved*, That it shall be the duty of the Secretary of Congress to prepare and cause to be printed and laid on the table of each member, each day of the session, a copy of the calendar business for the day.

Mr. Sparrow, by unanimous consent, offered the following resolution; which was read and placed on the Calendar, to wit:

*Resolved*, That a committee composed of one from each State, to be selected by the Delegates therefrom, be appointed to examine into the administration of the Commissary, Quartermaster's, and Medical Departments, and what changes, if any, are necessary in the laws and regulations relating to those departments, and that said committee have leave to sit during the recess of Congress.

Mr. Johnson of Arkansas, from the Committee on Military Affairs, to whom was referred

A resolution authorizing the Secretary of War to furnish supplies to certain troops, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Chilton, from the Committee on Postal Affairs, reported

A bill to establish certain post routes therein named; which was read first and second times and ordered to be placed on the Calendar and to lie on the table.

The Chair presented a communication from the Secretary of the Treasury, making estimates of an appropriation to carry into effect section 2 of an act to define with more certainty the meaning of an act entitled "An act to fix the duties on articles therein named;" which was read and referred to the Committee on Finance.

Mr. Chilton, from the Committee on Postal Affairs, to whom was referred

A bill to provide for the transmission of letters by soldiers in the Army without prepayment of postage, and a resolution of inquiry as to suffering such letters to go free, reported same back, that in the opinion of the committee no further legislation was necessary, asked to be discharged from their further consideration, and that the bill and resolution lie on the table; which was agreed to.

Mr. Chilton, from the same committee, to whom was referred resolutions of inquiry respecting restrictions to be placed upon communications sent beyond the Confederate States, reported same back, and that the majority of said committee deemed no legislation necessary.

And also, in behalf of the minority of the committee,

A bill to prevent improper communication by letter or otherwise with the enemy of the Confederate States;  
which [was] read first and second [times] and placed on Calendar.

Mr. Chilton, from same committee, reported back, with recommendation that it pass,

A bill to require the receipt by the Postmaster-General of the Confederate States of Treasury notes in sums of five dollars and upward in payment of postage stamps or stamped envelopes;  
which was placed on the Calendar.

Mr. Seddon introduced the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Military Affairs be instructed to inquire and report forthwith what efficient legislation may be adopted to secure to our armies adequate supplies of wholesome bread and likewise of vegetables.

Mr. Miles, from the Committee on Military Affairs, by unanimous consent, called for the consideration of a bill on the Calendar making appropriations for military hospitals.

The bill was taken up, engrossed, read third time, and passed.

Mr. Keitt, from the Committee on Foreign Affairs, called for the consideration of a bill on the Calendar "to empower the President to appoint additional commissioners to foreign nations," and moved the postponement for the present of the special order; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Arkansas, Florida, Mississippi, North Carolina, Tennessee, and Virginia, 6.

Nay: Alabama, Georgia, and Texas, 3.

Divided: Louisiana and South Carolina, 2.

So the motion was agreed to; and Congress proceeded to the consideration of the bill.

Mr. Atkins moved to amend by offering as a substitute for the bill the following, to wit:

That the President be requested to withdraw the present commission[ers] of the Confederate States to the great powers in Europe and that he is hereby authorized to appoint a full minister plenipotentiary to each of the Governments of Great Britain, France, Spain, Russia, and the German States.

The amendment was not agreed to, and the bill was engrossed, read third time, and passed.

Mr. T. R. R. Cobb, from the Judiciary Committee, reported back

A bill supplementary to an act entitled "An act to put in operation the Government under the permanent Constitution of the Confederate States,"

and recommended its passage.

Mr. Conrad moved to postpone its consideration and to place it on the Calendar.

The motion was not agreed to, and the bill was engrossed, read third time, and passed.

Mr. T. R. R. Cobb, from same committee, reported back two bills to amend the Constitution of the Confederate States, and that in the

opinion of the committee should not be passed, asked to be discharged, and that the bills lie on table; which was agreed to.

The hour of 12 m. having arrived, Congress resumed the consideration of the unfinished business of yesterday; which was the consideration of the amendment of Mr. T. R. R. Cobb to the amendment of Mr. Walker to the first section of

A bill to provide for the confiscation and forfeiture of the estates, property, etc., of alien enemies.

Pending which,

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to empower the President of the Confederate States to appoint additional commissioners to foreign nations.

On motion of Mr. Waul,

Congress adjourned until 11 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Miles, from the Committee on Military Affairs, to whom was referred the communication of the President transmitting the nominations of Hugh McLeod, of Texas, to be major, and Charles Stringfellow, of Virginia, to be assistant adjutant-general, with the rank of captain, in the Provisional Army of the Confederate States, reported the same back and recommended that Congress advise and consent thereto.

The report was agreed to, and Congress advised and consented to the nominations.

Congress resumed legislative session.

#### TWENTY-EIGHTH DAY—WEDNESDAY, AUGUST 21, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Ryland.

Mr. Ochiltree offered the following preamble and resolutions; which were read and unanimously adopted, to wit:

Preamble and resolutions concerning Brigadier-General Ben. McCulloch.

Whereas it has pleased Almighty God to vouchsafe to the arms of the Confederate States another glorious and important victory, in a portion of the country where a reverse would have been disastrous by exposing the families of the good people of the State of Missouri to the unbridled license of the brutal soldiery of an unscrupulous enemy: Therefore, be it

*Resolved by the Congress of the Confederate States of America,* That the thanks of Congress are cordially tendered to Brigadier-General Ben. McCulloch and the officers and soldiers of his brave command for their gallant conduct in defeating, after a battle of six and a half hours, a force of the enemy equal in numbers and greatly superior in all their appointments; thus proving that a right cause nerves the hearts and strengthens the arms of the Southern people, fighting, as they are, for their liberty, their homes, and firesides, against an unholy despotism.

*Resolved,* That in the opinion of Congress General McCulloch and his gallant troops are entitled to, and will receive, the grateful thanks of our people.

*Resolved,* That the foregoing resolutions be communicated to that command by the proper department.

Congress then resolved itself into secret session.



## SECRET SESSION.

Congress being in secret session,

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President on yesterday approved and signed

An act to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes; also

An act to empower the President of the Confederate States to appoint additional commissioners to foreign nations.

Mr. Walker offered the following resolutions, to wit:

(1) *Resolved*, That during the remainder of the present session of Congress the hour of meeting shall be ten o'clock ante meridian and the hour of adjournment three and one-half o'clock post meridian.

(2) *Resolved*, That no member shall be allowed to speak more than once or longer than fifteen minutes on the same question.

Mr. Crawford moved to divide the question; which was agreed to.

And the question being put, which was upon agreeing to the first resolution, the same was agreed to.

The second resolution having been taken up,

Mr. Thomason moved to postpone indefinitely the consideration of the same.

The motion was agreed to.

Mr. Curry offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Printing inquire whether the Bureau of Printing can not be dispensed with for the present; and if not, whether the expenses of its administration can not be materially diminished without detriment to the public, with leave to report by bill or otherwise.

Mr. Morton introduced the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Finance be instructed to inquire into the policy of granting aid to the State of Florida, by a loan of money, to be used and applied by the authorities of the State for military purposes.

Mr. Foreman offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Finance be instructed to inquire into and report by bill or otherwise as to the expediency of opening all the ports of the Confederate States to commerce with nations at peace with it to free trade.

Mr. T. R. R. Cobb introduced

A bill to authorize the establishment of recruiting stations for the Provisional Army under certain circumstances; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Memminger introduced

A bill to provide a temporary substitute for engraved Treasury notes; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Mason offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Foreign Affairs be instructed to inquire whether tobacco or other produce of any of the Confederate States has been exported from

any of the ports of those States by sea, since the declaration of the blockade, and if so, what legislation is necessary, if any, to prohibit the same, and the committee have power to send for persons and papers.

Mr. Brockenbrough offered the following resolutions, to wit:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of adopting for the use and protection of our Army the plan of a "portable breastwork" invented by H. T. Hartman, of Rockbridge County, Virginia.

*Resolved*, That the letter of the inventor addressed to a member of this House explaining the merits of the invention be referred to the same committee.

Mr. Brockenbrough offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Claims be instructed to inquire into the expediency of continuing the payment of pensions heretofore paid by the Government of the United States for military or naval services to such of said pensioners as are citizens of the Confederate States.

Mr. Macfarland presented the memorial of Jos. Myers; which was referred to the Committee on Naval Affairs, without being read.

Mr. Barnwell, from the Committee on Finance, reported

A bill to be entitled "An act making appropriations to carry into effect section two of an act approved May twenty-first, eighteen hundred and sixty-one, entitled 'An act to define with more certainty the meaning of an act entitled 'An act to fix the duties on articles therein named,' approved March fifteenth, eighteen hundred and sixty-one,'" and recommended the passage of the same.

The bill was read first and second times, engrossed, read third time, and passed.

Mr. Barnwell, from the same committee, reported and recommended the passage of

An act to be entitled "An act to repeal the fourth and fifth sections of an act to regulate [foreign coins] in the Confederate States of America;"

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Miles, from the Committee on Military Affairs, to whom was referred the preamble and resolutions of a meeting of the citizens of Wilmington, N. C., reported the same back, asked to be discharged from the further consideration of the same, and that the resolutions lie on the table; which was agreed to.

Mr. Miles, from the same committee, to whom was referred resolutions inquiring into the expediency of building certain military roads, reported the same back, asked to be discharged from their further consideration, and that the resolutions lie on the table; which was agreed to.

Mr. Miles, from the same committee, to whom was referred

A resolution of inquiry as to what legislation was necessary to prevent depredations on private property by the Confederate Army, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Miles, from the same committee, reported and recommended the passage of

A bill to authorize the President to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session;

which was read first and second times, placed on the Calendar, and ordered to be printed.

The hour of 12 m. having arrived,

Mr. Miles moved to postpone the consideration of the special order, for the purpose of continuing the call of committees for reports, etc.

The motion was agreed to.

Mr. Miles, from the Committee on Military Affairs, to whom was referred the communication of the Secretary of War transmitting to Congress the reports of the various battles fought by the Confederate Army, reported the same back, and the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of War be, and he is hereby, authorized to publish from time to time, for the information of the country, such official reports of battles, engagements, and military operations as in his opinion it may be judicious and proper to make public.

Mr. Miles, from the same committee, to whom was referred

A bill to aid in the completion of a railroad for war and defensive purposes, reported same back, that in the opinion of the committee legislation on the subject was inexpedient, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Miles, from the same committee, reported back and recommended the passage of

A bill authorizing the President to regulate and take control of railroads in certain cases; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Miles, from the same committee, reported and recommended the passage of

An act to authorize the appointment of supernumerary lieutenants in the Provisional Army.

Mr. Walker moved to amend by adding the following words, to wit: "*Provided*, That no person under the age of twenty-one years shall be appointed under this act."

Mr. T. R. R. Cobb moved to amend the amendment by adding the following, to wit:

*Provided further*, That all such appointees shall be at least eighteen years of age and shall have received a military education for at least two years at some military institute within the Confederate States, and that no such supernumeraries shall be attached to any regiment without the request of the commanding officer.

Mr. Curry called the question, which was upon agreeing to the amendment to the amendment; which was seconded; and the question being put, the amendment to the amendment was not agreed to.

Mr. Memminger called the question, which was upon agreeing to the amendment offered by Mr. Walker; which was seconded; and the question being put, the amendment was not agreed to.

Mr. Curry moved to amend by adding the following words, to wit: "*Provided*, That no person under twenty years of age shall be appointed under this act."

Mr. Avery moved to lay the amendment on the table; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia, 8.

Nay: Alabama, Mississippi, and Texas, 3.

So the motion was agreed to.

Mr. Atkins moved to amend by adding as an additional section the following, to wit:

SEC. 3. The pay of the supernumerary officers provided by this act shall be fifty dollars per month.

Mr. Memminger called the question; which was seconded; and the question being put, the amendment was not agreed to.

Mr. Walker called the question, which was upon agreeing to the engrossment of the bill for its third reading; which was seconded; and the question being put, the motion was agreed to.

The question then being on the passage of the bill, Mr. Harris, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Yea: Louisiana, North Carolina, and Virginia, 3.

Nay: Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, and Texas, 7.

Divided: Florida, 1.

Alabama—Yea: Mr. Chilton. Nay: Messrs. Walker, Smith, Curry, McRae, Shorter, and Jones.

Arkansas—Yea: Mr. Johnson. Nay: Messrs. Thomason, Garland, and Watkins.

Florida—Yea: Mr. Morton. Nay: Mr. Ward.

Georgia—Yea: Messrs. Foreman, Nisbet, and Hill. Nay: Messrs. Howell Cobb, Crawford, Wright, and T. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Sparrow. Nay: Mr. Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Barry, and Harrison.

North Carolina—Yea: Messrs. Davis, Avery, Venable, and Morehead. Nay: Messrs. Smith and Puryear.

South Carolina—Yea: Messrs. Rhett and Miles. Nay: Messrs. Barnwell, Keitt, Memminger, and Boyce.

Tennessee—Yea: Messrs. Caruthers, Currin, and Jones. Nay: Messrs. Atkins, House, De Witt, and Thomas.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Messrs. Reagan, Hemphill, Gregg, and Oldham.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Macfarland, Rives, Scott, Mason, Brockenbrough, and Walter Preston.

So the bill was lost.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations for the public defense;

An act making appropriation for the services of physicians to be employed in conjunction with the medical staff of the Army;

An act to authorize payment to be made for certain horses purchased for the Army by Col. A. W. McDonald;

An act to authorize the employment of cooks and nurses, other than enlisted men or volunteers, for the military service;

An act providing for the disposition of unclaimed goods deposited in warehouse, as prescribed by existing laws;

An act to provide for local defense and special service;

An act making appropriation for military hospitals;



A resolution in relation to the equipments of volunteer cavalry companies;

An act supplemental to an act to put in operation the Government under the permanent Constitution of the Confederate States of America; and

An act to increase the Corps of Artillery, and for other purposes.

Mr. Johnson of Arkansas, from the special committee to whom was referred

A resolution of inquiry as to the necessity of increasing the clerical force in the War Department, reported and recommended the passage of

A bill to amend an act entitled "An act to create the clerical force of the several [Executive] Departments of the Confederate States of America, and for other purposes," approved March 7, 1861; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Shorter, by unanimous consent, introduced the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of the Congress be authorized to purchase stationery for the use of his department, not to exceed in cost the sum of fifty dollars.

Mr. Gregg, from the Committee on Claims, to whom was referred the petition of W. N. Pass & Co., reported same back, asked to be discharged from its further consideration, and that the petition lie on the table; which was agreed to.

Mr. Gregg, from the same committee, to whom was referred the memorial of the Branch Bank of Virginia, at Portsmouth, reported same back, asked to be discharged from its further consideration, and that the memorial lie on the table; which was agreed to.

Mr. Gregg, from the same committee, to whom was referred the memorial of John E. McWilliams, reported same back, with the recommendation that it be postponed until the end of the war; which was agreed to.

Mr. Gregg, from same committee, to whom was referred the petition of Caroline A. Williamson, reported same back, asked to be discharged from its further consideration, and that the petition lie on the table; which was agreed to.

Mr. Gregg, from the same committee, to whom was referred

A resolution of inquiry as to the propriety of the payment of certain Revolutionary claims,

reported same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Memminger, from the special committee on the removal of the seat of government, reported the following resolution: which was read and agreed to, to wit:

*Resolved*, That the committee appointed to superintend the removal of the seat of government be authorized to locate the various bureaus and officers in such rooms in the Government buildings as the committee may deem proper.

Congress then resumed the unfinished business of yesterday; which was the consideration of the amendment of Mr. T. R. R. Cobb to the amendment of Mr. Walker to the first section of

A bill to provide for the confiscation and forfeiture of the estates, property, etc., of alien enemies.

Mr. Brooke moved to postpone the further consideration of the bill for the balance of the session.

The motion was not agreed to.

Mr. Ochiltree moved the appointment of an additional member of the Committee on Pay and Mileage.

The motion was agreed to.

Whereupon, the Chair appointed Mr. Jones of Alabama.

Mr. Chilton called for the consideration of a bill on the Calendar to authorize the Secretary of War to make a certain payment out of the contingent fund of the War Department.

The bill was taken up, engrossed, read third time, and lost.

On motion of Mr. Curry,

Congress then adjourned until 10 o'clock to-morrow morning.

## TWENTY-NINTH DAY—THURSDAY, AUGUST 22, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Chilton, from the Committee on Postal Affairs, reported and recommended the passage of

A bill to authorize the Postmaster-General to contract for the carriage of the mails on a route hereafter mentioned;

which was read first and second times, engrossed, read third time, and passed.

Mr. Chilton, from the same committee, to whom was referred the memorial of various route agents, reported same back, asked to be discharged from its further consideration, and that the same lie on the table.

Mr. Chilton, from the same committee, to whom was referred the memorial of certain citizens of Columbus, reported the same back, asked to be discharged from its further consideration, and that it be referred to the Committee on Commercial Affairs; which was agreed to.

Mr. Chilton, from the same committee, to whom was referred a communication from the legislature of Mississippi, reported same back, asked to be discharged from its further consideration, and that the resolution lie on the table.

Mr. De Clouet, from the Committee on Accounts, to whom was referred the account of White, Pfister & Co., of Montgomery, Ala., reported same back, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. Johnson of Arkansas moved that the Secretary of Congress be instructed to withdraw from the printer all the bills of Congress not printed up to 12 m. to-morrow.

The motion was agreed to.

Mr. Miles moved that Congress do now proceed to the consideration of the bills on the Calendar, in their respective order; which motion was agreed to, and the first bill having been taken up, which was

A bill to establish a bureau of army intelligence,

On motion of Mr. Waul, the further consideration of the same was postponed for the balance of the session.

Mr. Miles, from the Committee on Military Affairs, called for the consideration of

A bill to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America.

The first section of the same being under consideration,

Mr. Oldham moved to amend the same by inserting the following words after the word "States," to wit: "provided there shall be no law of said State prohibiting the same," and also after the word "oath" the words "to support the constitution of said State."

Mr. Waul, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Yea: Arkansas, Florida, South Carolina, Tennessee, and Texas. 5.

Nay: Alabama, Georgia, Louisiana, Mississippi, North Carolina, and Virginia, 6.

Alabama—Nay: Messrs. Walker, Smith, Chilton, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Mr. Morton.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Howell Cobb, Crawford, Wright, and T. R. R. Cobb.

Louisiana—Yea: Messrs. Perkins and Marshall. Nay: Messrs. De Clouet, Kenner, and Sparrow.

Mississippi—Nay: Messrs. Harris and Harrison.

North Carolina—Yea: Mr. Smith. Nay: Messrs. Davis, Avery, Venable, Morehead, and Puryear.

South Carolina—Yea: Messrs. Rhett, Barnwell, Miles, and Boyce.

Tennessee—Yea: Messrs. Currin, Caruthers, Atkins, and De Witt. Nay: Messrs. House and Jones.

Texas—Yea: Messrs. Waul, Gregg, and Oldham. Nay: Mr. Hemp-hill.

Virginia—Yea: Messrs. Seddon, Mason, and Brockenbrough. Nay: Messrs. W. B. Preston, Macfarland, Bocoek, and Johnston.

So the amendment was not agreed to.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations to carry into effect section 2 of an act approved May 21, 1861, entitled "An act to define with more certainty the meaning of an act entitled 'An act to fix the duties on articles therein named,'" approved March 15, 1861.

Preamble and resolutions concerning Brig. Gen. Ben. McCulloch.

Mr. Mason moved to amend by inserting after the word "shall" the following words, to wit:

thereby, and whilst in such service, be under the protection of the Confederate States as fully as if he were a citizen thereof, the rights of a citizen being to such extent hereby conferred, and moreover shall.

The amendment was agreed to.

Mr. Chilton moved to amend by adding at the end of the section the following words, to wit:

but if the State in which the said applicant shall have resided next before his application shall afterwards become a member of this Confederacy, the citizenship of said applicant shall remain in said State at his election, notwithstanding proceedings under this act.

The amendment was agreed to, and the section as amended reads as follows, to wit:

SECTION 1. *The Congress of the Confederate States do enact*, That every person not a citizen of one of the Confederate States engaged in the military service of the said Confederate States during the existing war against the United States of America, shall thereby, and whilst in such service, be under the protection of the Confederate States as fully as if he were a citizen thereof, the rights of a citizen being to such extent hereby conferred, and moreover shall have the right to become naturalized and to become a citizen of any one of the Confederate States, and shall thereby be entitled to all the rights and privileges of a citizen of said State of the Confederate States upon taking an oath well and faithfully to serve the Confederate States of America, to maintain and support the Constitution and laws thereof, and to renounce all allegiance and obedience to any foreign government, state, sovereignty, prince, or potentate, and particularly by name the government, state, sovereignty, prince, or potentate of which he may be, or have been, a citizen or subject, and stating which one of the Confederate States he intends to become a citizen of; but if the State in which the said applicant shall have resided next before his application shall afterwards become a member of this Confederacy, the citizenship of said applicant shall remain in said State at his election, notwithstanding proceedings under this act.

The bill was engrossed, read the third time, and passed.

Mr. Sparrow moved to reconsider the vote upon ordering the bill to be engrossed for a third reading; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 9.

Nay: Alabama and Georgia, 2.

The motion was agreed to; and

Mr. Oldham moved to amend the first section by inserting after the word "oath" the words "to support the constitution of such State and."

The amendment was agreed to, and the bill was engrossed, read third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing the Congress that the President on yesterday approved and signed the following acts, viz:

An act to authorize payment to be made for certain horses purchased for the Army by Col. A. W. McDonald;

An act making appropriation for the services of physicians to be employed in conjunction with the medical staff of the Army;

An act to provide for local defense and special service;

An act to authorize the employment of cooks and nurses, other than enlisted men or volunteers, for the military service;

An act providing for the disposition of unclaimed goods deposited in warehouse, as prescribed by existing laws;

An act making appropriations for the public defense;

An act making appropriation for military hospitals;

An act supplemental to an act to put in operation the Government under the permanent Constitution of the Confederate States of America;

An act to increase the Corps of Artillery, and for other purposes; also

A resolution in relation to the equipments of volunteer cavalry companies.



Congress took up for consideration the special order of the day; which was amendment of Mr. T. R. R. Cobb to the amendment of Mr. Walker to the bill for the forfeiture and confiscation of the estates, property, and effects of alien enemies.

Mr. Memminger moved to lay the bill on the table.

The motion prevailed.

Mr. Walker introduced

A bill for the sequestration of the estates, property, and effects of alien enemies, and for the indemnity of citizens of the Confederate States, and persons aiding the same in the existing war with the United States;

which was read the first and second times.

Congress proceeded to the consideration of the same, and the first section thereof having been read as follows, viz:

SECTION 1. *Be it therefore enacted by the Congress of the Confederate States of America,* That all and every the lands, tenements and hereditaments, goods and chattels, rights and credits within these Confederate States, and every right and interest therein held, owned, possessed, or enjoyed by or for any alien enemy since the twenty-first day of May, eighteen hundred and sixty-one, be, and the same are hereby, sequestrated by the Confederate States of America, and shall be held for the full indemnity of any true and loyal citizen or resident of these Confederate States, or other person aiding said Confederate States in the prosecution of the present war between said Confederate States and the United States of America, and for which he may suffer any loss or injury under the act of the United States to which this act is retaliatory, or under any other act of the United States, or of any State thereof, authorizing the seizure, condemnation, or confiscation of the property of citizens or residents of the Confederate States, or other person aiding said Confederate States; and the same shall be seized and disposed of as provided for in this act: *Provided, however,* When the estate, property, or rights to be effected by this act were, or are, within some State of this Confederacy, which has become such since said twenty-first day of May, then this act shall operate upon, and as to such estate, property, or rights, and all persons claiming the same from and after the day such State so became a member of this Confederacy, and not before: *Provided further,* That the provisions of the act shall not extend to the stocks or other public securities of the Confederate Government, or of any of the States of this Confederacy, held or owned by any alien enemy, or to any debt, obligation, or sum due from the Confederate Government, or any of the States, to such alien enemy: *And provided also,* That the provisions of this act shall not embrace the property of citizens or residents of either of the States of Delaware, Maryland, Kentucky, or Missouri, or of the District of Columbia, or the Territories of New Mexico, Arizona, or the Indian Territory south of Kansas, except such of said citizens or residents as shall commit actual hostilities against the Confederate States, or aid and abet the United States in the existing war against the Confederate States.

Mr. Macfarland moved to amend the same by striking out in the fourth and fifth lines the words "since the twenty-first day of May, eighteen hundred and sixty-one."

Mr. Maul, at the instance of the State of Texas, demanded the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Nay: Messrs. Morton and Ward.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Crawford and T. R. R. Cobb.

Louisiana—Yea: Messrs. Perkins, Conrad, and Sparrow. Nay: Messrs. De Clouet and Kenner.

Mississippi—Nay: Messrs. Brooke, Orr, Barry, and Harrison.

North Carolina—Yea: Messrs. Davis and Puryear. Nay: Messrs. Avery and Morehead.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Memminger, Miles, and Boyce.

Tennessee—Yea: Mr. Jones. Nay: Messrs. Atkins, Currin, Caruthers, House, and De Witt.

Texas—Yea: Mr. Hemphill. Nay: Messrs. Reagan, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Macfarland, Rives, Scott, Brockenbrough, Johnston, and Walter Preston. Nay: Messrs. Seddon, W. B. Preston, Hunter, Bocoock, and Mason.

Yea: Louisiana and Virginia.

Nay: Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina, Tennessee, and Texas.

Divided: North Carolina.

So the motion to amend was lost.

Mr. Mason moved to amend the section by adding the following to the end of the same, viz:

*And provided further*, That when any citizen of the Confederate States having paid a debt or acquired property prior to the passage of this act prohibited by the act entitled "An act to authorize certain debtors to pay the amount due by them into the Treasury of the Confederate States," approved May twenty-first, eighteen hundred and sixty-one, shall make oath in due form of law that he made such payment in ignorance of the prohibition aforesaid, then as to such payment this act shall be inoperative.

Mr. Kenner moved to amend the amendment by striking out the words "prior to the passage of this act" and insert in lieu thereof the words "previous to the first day of July."

The motion prevailed.

On motion of Mr. Walker, the amendment was further amended by striking out the words "of the prohibition aforesaid" and inserting in lieu thereof the words "that the same was unlawful."

Upon agreeing to the amendment as amended, Mr. Mason demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Yea: Messrs. Walker, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Messrs. Johnson and Garland.

Florida—Yea: Mr. Morton. Nay: Mr. Ward.

Georgia—Yea: Messrs. Foreman and T. R. Cobb. Nay: Mr. Crawford.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Brooke and Barry. Nay: Messrs. Orr and Harrison.

North Carolina—Yea: Messrs. Davis, Smith, Morehead, and Puryear. Nay: Mr. Avery.

South Carolina—Yea: Messrs. Rhett and Barnwell. Nay: Messrs. Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, and House.

Texas—Yea: Messrs. Hemphill and Waul. Nay: Messrs. Reagan, Gregg, and Oldham.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Hunter, Tyler, Macfarland, Bocoock, Rives, Scott, Mason, Brockenbrough, Johnston, and Walter Preston.

Yea: Georgia, Louisiana, North Carolina, and Virginia, 4.

Nay: Alabama, South Carolina, Tennessee, and Texas, 4.

Divided: Arkansas, Florida, and Mississippi, 3.

So the amendment as amended was lost.

Mr. Hemphill moved to amend the section by inserting after the words "eighteen hundred and sixty-one," in the fifth line, the words "except such debts due to an alien enemy as may have been paid into the treasury of any one of the Confederate States prior to the passage of this law."

The motion prevailed.

Mr. Avery, by consent, moved, at the instance of the State of North Carolina, to reconsider the vote on the passage of the bill authorizing the President to appoint supernumerary lieutenants, etc.

The motion was ordered to lie on the table for the present.

The Congress resumed the consideration of the first section of the bill, the special order of the day.

Mr. Sparrow moved to amend the same by striking out in the fifth line the words "twenty-first day of May" and inserting the words "first day of July."

Mr. Walker demanded the question; which was seconded, and

Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the entire body thereon should be recorded; which are as follows, viz:

Alabama—Yea: Messrs. Walker, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Garland.

Florida—Yea: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb and T. R. R. Cobb. Nay: Mr. Crawford.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Brooke and Harrison. Nay: Messrs. Orr and Barry.

North Carolina—Yea: Messrs. Davis, Avery, Smith, Venable, Morehead, and Puryear.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Miles.

Tennessee—Yea: Messrs. Currin, Jones, and House. Nay: Messrs. Atkins, Caruthers, and De Witt.

Texas—Yea: Mr. Hemphill. Nay: Messrs. Reagan, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. W. B. Preston, Hunter, Macfarland, Bocock, Rives, Scott, Mason, Brockenbrough, and Walter Preston. Nay: Mr. Seddon.

Yea: Georgia, Louisiana, North Carolina, South Carolina, and Virginia, 5.

Nay: Alabama, Florida, and Texas, 3.

Divided: Arkansas, Mississippi, and Tennessee, 3.

So the motion was lost.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the Postmaster-General to contract for the carriage of the mails on the route hereafter mentioned.



The first section as amended reads as follows:

SECTION 1. *Be it therefore enacted by the Congress of the Confederate States of America,* That all and every the lands, tenements and hereditaments, goods and chattels, rights and credits within these Confederate States, and every right and interest therein held, owned, possessed, or enjoyed by or for any alien enemy since the twenty-first day of May, eighteen hundred and sixty-one, except such debts due to an alien enemy as may have been paid into the treasury of any one of the Confederate States prior to the passage of this law, be, and the same are hereby, sequestered by the Confederate States of America, and shall be held for the full indemnity of any true and loyal citizen or resident of these Confederate States, or other person aiding said Confederate States in the prosecution of the present war between said Confederate States and the United States of America, and for which he may suffer any loss or injury under the act of the United States to which this act is retaliatory, or under any other act of the United States, or of any State thereof, authorizing the seizure, condemnation, or confiscation of the property of citizens or residents of the Confederate States, or other person aiding said Confederate States; and the same shall be seized and disposed of as provided for in this act: *Provided, however,* When the estate, property, or rights to be effected by this act were, or are, within some State of this Confederacy, which has become such since said twenty-first day of May, then this act shall operate upon, and as to such estate, property, or rights, and all persons claiming the same from and after the day such State so became a member of this Confederacy, and not before: *Provided further,* That the provisions of the act shall not extend to the stocks or other public securities of the Confederate Government, or of any of the States of this Confederacy, held or owned by any alien enemy, or to any debt, obligation, or sum due from the Confederate Government, or any of the States, to such alien enemy: *And provided also,* That the provisions of this act shall not embrace the property of citizens or residents of either of the States of Delaware, Maryland, Kentucky, or Missouri, or of the District of Columbia, or the Territories of New Mexico, Arizona, or the Indian Territory south of Kansas, except such of said citizens or residents as shall commit actual hostilities against the Confederate States, or aid and abet the United States in the existing war against the Confederate States.

The second section having been read.

Mr. Conrad moved to amend by striking out the whole of said section.

Mr. Foreman moved to amend the section by striking out all after the word "aforesaid," in the sixth line.

The amendment was agreed to.

The question recurring on the motion to strike out the whole of the section.

Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be-recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Walker, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Messrs. Johnson and Garland.

Florida—Nay: Mr. Morton.

Georgia—Nay: Messrs. Howell Cobb, Foreman, and Crawford.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Sparrow. Nay: Mr. Perkins.

Mississippi—Nay: Messrs. Brooke, Orr, Barry, and Harrison.

North Carolina—Yea: Messrs. Davis, Avery, Smith, Morehead, and Puryear. Nay: Mr. Venable.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Miles. Nay: Mr. Memminger.

Tennessee—Yea: Messrs. Atkins, Caruthers, De Witt, Jones, and Thomas. Nay: Messrs. Currin and House.

Texas—Yea: Mr. Hemphill. Nay: Messrs. Reagan, Waul, and Gregg.



Virginia—Yea: Messrs. W. B. Preston, Hunter, Macfarland, Bocoock, Rives, Scott, Mason, Brockenbrough, and Walter Preston. Nay: Mr. Seddon.

Yea: Louisiana, North Carolina, South Carolina, Tennessee, and Virginia, 5.

Nay: Alabama, Florida, Georgia, Mississippi, and Texas, 5.

Divided: Arkansas, 1.

The motion was lost.

The section as amended reads as follows, viz:

SEC. 2. *Be it further enacted, etc.,* That it is, and shall be, the duty of each and every citizen of these Confederate States speedily to give information to the officers charged with the execution of this law, of any and every lands, tenements and hereditaments, goods and chattels, rights and credits within this Confederacy, and of every right and interest therein held, owned, possessed, or enjoyed by or for any alien enemy as aforesaid.

Section 3 of the bill having been read,

Mr. Seddon moved to amend the same by striking out in the eighth and ninth lines the words "comply with the requirements of this section of this act" and inserting in lieu thereof the words "give such information and render such account."

The motion prevailed.

Mr. Morehead moved to amend the section by striking out all of the same after the words "reported and turned over," in the eighth line.

Mr. Walker moved to amend the part of the section proposed to be stricken out by striking out the words "for each offense be subject to indictment and punishment as provided in the second section of this act" and inserting in lieu thereof the words

be guilty of a high misdemeanor, and upon indictment and conviction, shall be fined in a sum not exceeding five thousand dollars, and imprisoned not longer than six months, said fine and imprisonment to be determined by the court trying the case.

Mr. Hemphill moved to amend the amendment by striking out the word "court" and inserting the word "jury."

The motion was lost.

The amendment proposed by Mr. Walker was then agreed to.

The section as amended reads as follows, viz:

That it shall be the duty of every attorney, agent, former partner, trustee, or other person holding or controlling any such lands, tenements or hereditaments, goods or chattels, rights or credits, or any interest therein, of or for any such alien enemy, speedily to inform the receiver, hereinafter provided to be appointed, of the same, and to render an account thereof, and, so far as is practicable, to place the same in the hands of such receiver; whereupon, such person shall be fully acquitted of all responsibility for property and effects so reported and turned over. And any such person willfully failing to give such information and render such account shall be guilty of a high misdemeanor, and upon indictment and conviction, shall be fined in a sum not exceeding five thousand dollars, and imprisoned not longer than six months, said fine and imprisonment to be determined by the court trying the case [and shall further be liable to be sued by said Confederate States, and subjected to pay double the value of the estate, property or effects of the alien enemy held by him or subject to his control].

Mr. Miles moved that when Congress adjourns it take a recess until 8 o'clock p. m.

The motion was agreed to.

Mr. Mason presented

A bill to prohibit the export by sea of any article being the produce of the Confederate States, during the period therein mentioned:

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Conrad presented

A bill to be entitled "An act to authorize the construction of certain gunboats;"

which was placed on the Calendar.

Mr. Barnwell introduced

A bill to be entitled "An act to authorize the issue of inscribed stock in the stead of coupon bonds;"

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Josselyn, Private Secretary of the President, informed the Congress that the President has this day approved and signed

An act making appropriations to carry into effect section 2 of an act approved May 21, 1861, entitled "An act to define with more certainty the meaning of an act entitled 'An act to fix the duties on articles therein named,'" approved March 15, 1861;

An act to authorize the Postmaster-General to contract for the carriage of the mails on the route hereafter mentioned; and

An act to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America.

The Chair presented a communication from the President, transmitting to Congress the estimates of the Postmaster-General of \$500,000 for the postal service; which was read and referred to the Committee on Postal Affairs.

The Chair presented a message from the President, transmitting to Congress the estimates of the Secretary of War for the purchase of a steamer to transport troops, in the sum of one million of dollars; which was read and referred to Committee on Military Affairs.

The Chair presented a message from the President, returning to Congress

A bill to authorize the appointment of an additional assistant surgeon to each regiment of the Army of the Confederate States of America,

with his objections to the same; which is as follows:

*To the Congress.*

GENTLEMEN: I have had under consideration the bill entitled "An act to authorize the appointment of an additional assistant surgeon to each regiment in the Army of the Confederate States," and feel so well convinced that the expenditure which it requires is unnecessary, and that the means can ill be spared in the present condition of the Treasury, that I am reluctantly compelled to return it for your reconsideration.

The medical and surgical force already provided by law, including the provision recently made for surgeons for hospitals, will require an expenditure of about \$2,500,000. Power is already vested in me to employ temporarily the aid of physicians in hospitals and you have appropriated \$50,000 for that purpose. Discretion is also given to the Secretary of War by the act of 26th of February, 1861, to appoint as many assistant surgeons as the service may require; and the legislation on the entire subject is on the most liberal scale.

Yet the act now presented leaves me no discretion to limit the number of the additional assistant surgeons to be appointed. It orders an additional officer to the medical staff of each regiment, whether wanted or not, and thus requires an additional annual expenditure of \$732,000.

I am aware that there have been causes of complaint in relation to neglect of our sick and wounded soldiers; but this, it is believed, arises not so much from an insufficiency in the number of the surgeons and assistant surgeons, as from inattention or want of qualification, and I am endeavoring to apply the proper remedy by organizing a board of examiners, so as to ascertain who are the officers really to blame and

replace them by others more competent and efficient. I feel confident that by this course ample medical assistance would be secured for the troops without further expenditure. The surgeons and assistant surgeons heretofore appointed have, in most instances, received their commissions in consequence of the recommendations of the officers of the regiments to which they are attached. This was almost the only means of making selections in the sudden emergencies of the war, and experience has suggested that many of the officers so appointed are unequal to the duties of their stations.

For these reasons I hope that when you take the subject into reconsideration you will be able to concur with me in the opinion that this additional expenditure can be avoided, and that there is no necessity for the passage of the bill.

Congress proceeded to reconsider the same; and, pending the question whether the bill should pass notwithstanding the objections,

Congress, on motion of Mr. Bocock, took a recess until 8 o'clock p. m.

#### EVENING SESSION—8 O'CLOCK P. M.

Congress met pursuant to adjournment and resumed the consideration of the unfinished business of the morning session; which was the consideration of the question whether the bill authorizing the appointment of an additional assistant surgeon to each regiment in the Army of the Confederate States of America should pass notwithstanding the objections of the President.

Mr. Harrison called the question; which was seconded, and, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body should be recorded; which are as follows, to wit:

Yea: North Carolina, 1.

Nay: Alabama, Arkansas, Florida, Louisiana, Mississippi, South Carolina, Tennessee, Texas, and Virginia, 9.

Divided: Georgia, 1.

Alabama—Nay: Messrs. Walker, Chilton, Shorter, and Jones.

Arkansas—Nay: Messrs. Thomason and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Yea: Mr. Foreman. Nay: Mr. Crawford.

Louisiana—Nay: Messrs. De Clouet and Kenner.

Mississippi—Nay: Messrs. Brooke, Orr, Barry, and Harrison.

North Carolina—Yea: Messrs. Davis, Smith, and Puryear.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Barnwell, Memminger, Miles, and Boyce.

Tennessee—Nay: Messrs. Atkins, Currin, Caruthers, De Witt, House, and Thomas.

Texas—Yea: Mr. Gregg. Nay: Messrs. Reagan, Hemphill, and Waul.

Virginia—Nay: Messrs. Seddon, W. B. Preston, Hunter, Macfarland, Scott, and Johnston.

The motion was lost; so the bill was lost.

The Chair presented a communication from the President, recommending the appointment of a superintendent of public buildings; which was read and referred to the Committee on Finance.

The Chair presented a communication from the President relative to the treatment of prisoners taken by the enemy; which was read and, together with the accompanying [document], was laid on the table.

Mr. Rhett offered the following resolution; which was agreed to, viz:

*Resolved*, That the President be requested, if in his opinion not incompatible with the public interests, to communicate to Congress the letter from General Bonham, dated the twenty-sixth, reporting the hanging of two sentinels of the South Carolina



troops who were captured on the seventeenth July by the enemy, near Centreville, and also any information he may possess relative to the facts asserted therein.

The Chair presented a communication from the President, transmitting to Congress the estimates of the Postmaster-General for a law clerk in the Department of Justice; which was read and referred to the Committee on Finance.

The Congress resumed the consideration of the unfinished business of the day; which was the consideration of the bill for sequestration of the estates, etc., of alien enemies, etc.

The fifth section having been read,

Mr. Walker moved to amend the same by inserting after the word "trust," in the ninth line, the words:

And should the duties of any such receiver, at any time, appear to the judge to be greater than can be efficiently performed by him, then it shall be the duty of the judge to divide the district or section into one or more other receivers' districts, according to the necessities of the case, and to appoint a receiver for each of said newly created districts.

The motion prevailed.

The section as amended reads as follows, viz:

*Be it further enacted*, That each judge of this Confederacy shall, as early as practicable, appoint a receiver for each section of the State for which he holds a court, and shall require him, before entering upon the duties of his office, to give a bond in such penalty as may be prescribed by the judge, with good and sufficient security, to be approved by the judge, conditioned that he will diligently and faithfully discharge the duties imposed upon him by law. And said officer shall hold his office at the pleasure of the judge of the district or section for which he is appointed, and shall be removed for incompetency, or inefficiency, or infidelity in the discharge of his trust. And should the duties of any such receiver, at any time, appear to the judge to be greater than can be efficiently performed by him, then it shall be the duty of the judge to divide the district or section into one or more other receivers' districts, according to the necessities of the case, and to appoint a receiver for each of said newly created districts. And every such receiver shall also, before entering upon the duties of his office, make oath in writing before the judge of the district or section for which he is appointed, diligently, well, and truly to execute the duties of his office.

The sixth section having been read,

Mr. Seddon moved to amend the same by inserting after the words "Confederate States," in the sixth line, the words:

allowing, in the recovery of credits, such delays as may have been, or may be, prescribed in any State as to the collection of debts therein during the war.

The motion prevailed.

Mr. Davis of North Carolina moved to amend the amendment by striking out the same and inserting in lieu thereof the following, viz:

*Provided*, That when judgment shall be rendered sequestrating any debts due and owing from citizens of the Confederate States to any alien enemies, the same shall not be enforced by execution until twelve months after the ratification of peace between the Confederate States and the United States. But such judgments shall draw interest until collected and prescription shall not run during the war or for twelve months thereafter.

Mr. Walker demanded the question; which was seconded; and the vote thereon having been taken by States, resulted as follows:

Yea: Florida, Louisiana, Mississippi, North Carolina, and Virginia.

Nay: Alabama, Arkansas, Georgia, South Carolina, Tennessee, and Texas.

The amendment was rejected.

The amendment of Mr. Seddon was agreed to.



Mr. Kenner moved to amend the section by adding to the end thereof the following words:

*Provided*, That in any case when the Confederate judge shall find it to be consistent with the safe-keeping of the property so sequestered, to leave the same in the hands and under the control of any agent or debtor who may be in possession of the said property or credits, he shall order the same to remain in the hands and under the control of said agents or debtor, requiring in every such case such security for the safe-keeping of the property and credits as he may deem sufficient for the purpose aforesaid, and to abide by such further orders as the court may make in the premises.

Mr. Walker moved to amend the amendment by striking out the same and inserting in lieu thereof the following words, viz:

*Provided*, That when the property so sequestered shall consist of land or negroes engaged in the cultivation thereof and the personal property attached thereto, the Confederate judge shall deem it consistent with the safe-keeping of said property, to leave the same in the hands and under the control of any agent or trustee appointed before the passage of this act, he may order the same in the hands and under the control of said agent or trustee, requiring in every such case good and sufficient security for the safe-keeping of such property.

Mr. Memminger demanded the question; which was seconded, and the amendment was lost.

The question recurring on the amendment of Mr. Kenner,

Mr. Perkins moved to amend the same by striking out the word "agent;" which was agreed to.

Mr. Sparrow moved to amend the same by inserting after the word "debtor," wherever it occurs in the amendment, the words "or person in whose hands the real estate and slaves seized."

Mr. Walker demanded the question; which was seconded, and the motion prevailed.

Mr. Chilton moved to reconsider the vote by which the amendment as amended was adopted.

Mr. Perkins demanded the question; which was seconded, and

Mr. Chilton, at the instance of the State of Alabama, demanded that the yeas and nays of the whole be recorded thereon; which are as follows, viz:

Alabama—Yea: Messrs. Walker, Smith, Chilton, McRae, and Jones.

Arkansas—Yea: Messrs. Garland and Watkins. Nay: Mr. Thomas.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Foreman and Crawford.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Barry and Harrison. Nay: Messrs. Brooke and Orr.

North Carolina—Yea: Mr. Morehead. Nay: Messrs. Davis, Avery, Smith, Venable, and Puryear.

South Carolina—Yea: Messrs. Rhett, Memminger, and Miles. Nay: Mr. Boyce.

Tennessee—Yea: Mr. Currin. Nay: Messrs. Atkins, Caruthers, De Witt, Jones, House, and Thomas.

Texas—Yea: Mr. Reagan. Nay: Messrs. Hemphill, Waul, and Gregg.

Virginia—Nay: Messrs. Seddon, Macfarland, Boccock, Rives, Scott, Brockenbrough, and Johnston.

Yea: Alabama, Arkansas, Georgia, and South Carolina, 4.

Nay: Florida, Louisiana, North Carolina, Tennessee, Texas, and Virginia, 6.

Divided: Mississippi, 1.

So the motion to reconsider was lost.

On motion of Mr. Walker,

Congress adjourned until 10 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Conrad, from the Committee on Naval Affairs, to whom was referred the communication of the President transmitting the nomination of George S. Shryock, of Kentucky, to be a lieutenant in the Navy of the Confederate States, reported the same back and recommended that Congress advise and consent thereto.

The report was agreed to, and Congress advised and consented to the nomination.

The Chair presented a communication from the President, transmitting, for the advice and consent of Congress, the nomination of William B. Howell, of Louisiana, to be Navy agent at New Orleans, La.; which was referred to the Committee on Naval Affairs.

The Chair also presented a communication from the President, transmitting, for the advice and consent of Congress, the nomination of Henry B. Tyler, jr., of the District of Columbia, late a first lieutenant in the Marine Corps of the United States, to be a first lieutenant in the Marine Corps of the Confederate States; which was referred to the Committee on Naval Affairs.

The Chair also presented a communication from the President, transmitting, for the advice and consent of Congress, the nomination of Robert J. Freeman, of Virginia, late an assistant surgeon in the Navy of the United States, to be an assistant surgeon in the Navy of the Confederate States; which was referred to the Committee on Naval Affairs.

The Chair also presented a communication from the President, transmitting, for the advice and consent of Congress, the nomination of Henry F. Hancock, to be collector of the port of Washington, N. C.; which was referred to the Committee on Naval Affairs.

Congress resolved itself in legislative session.

#### THIRTIETH DAY—FRIDAY, AUGUST 23, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Burrows.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Chilton, from the Committee on Postal Affairs, reported

A bill to be entitled "An act making further appropriations for the service of the Post-Office Department during the year ending the eighteenth February, eighteen hundred and sixty-two;" which was read first and second times, engrossed, read third time, and passed.

Mr. Orr offered the following preamble and resolution; which was read and agreed to, to wit:

Whereas it is known that the officers and crews of the Confederate States privateers Sumter and Petrel, and other privateersmen captured by the authorities of the United States, have been placed in irons, incarcerated in dungeons, and otherwise treated as pirates instead of prisoners of war; and

Whereas there are not an equal number of prisoners taken at sea in the possession of the Confederate States on whom to inflict a just and equal retaliation: Therefore,

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of selecting from the prisoners of war in the possession of the Confederate States a sufficient number on whom to inflict retaliation for the outrages upon the officers and crews of the privateers or national ships of the Confederate States captured by the enemy.

Mr. Sparrow offered the following resolution, to wit:

*Resolved*, That Congress adjourn on Wednesday next, the twenty-eighth instant, to meet again on the third Monday in November next unless sooner called together by the President.

Mr. Jones called the question; which was seconded, and

Mr. Venable, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Yea: Florida, Louisiana, Mississippi, South Carolina, Texas, and Virginia, 6.

Nay: Alabama, Arkansas, Georgia, North Carolina, and Tennessee, 5.

Alabama—Yea: Mr. McRae. Nay: Messrs. Walker, Smith, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins.

Florida—Yea: Mr. Morton.

Georgia—Yea: Mr. Wright. Nay: Messrs. Howell Cobb, Foreman, Crawford, and T. R. R. Cobb.

Louisiana—Yea: Messrs. Perkins, De Clouet, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Brooke, Barry, and Harrison. Nay: Messrs. Harris and Orr.

North Carolina—Yea: Mr. Venable. Nay: Messrs. Davis, Avery, Smith, Morehead, and Puryear.

South Carolina—Yea: Messrs. Rhett, Miles, and Boyce. Nay: Messrs. Barnwell and Chesnut.

Tennessee—Yea: Messrs. Atkins and Jones. Nay: Messrs. Currin, Caruthers, De Witt, House, and Thomas.

Texas—Yea: Messrs. Reagan, Hemphill, and Waul.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Macfarland, Scott, Mason, Brockenbrough, and Johnston.

Mr. Orr moved to take up a resolution on the Calendar, offered by Mr. Sparrow; which was agreed to, and

Congress proceeded to consider the resolution; which is as follows, to wit:

*Resolved*, That a committee composed of one from each State, to be selected by the Delegates therefrom, be appointed to examine into the administration of the Commissary, Quartermaster, and Medical Departments, and what changes, if any, are necessary in the laws and regulations relating to those departments, and that said committee have leave to sit during the recess of Congress.

Mr. Avery moved to amend by striking out the words "and said committee have leave to sit during the recess of Congress."

The hour of 12 m. having arrived, Congress proceeded to consider the special order of the day; which was the consideration of the appropriation bills on the Calendar.

And the first bill having been taken up, which was

A bill making appropriations for the expenses of Government in the legislative, executive, and judicial departments for the year ending 18th February, 1862,

And the first section of the same being under consideration,

Mr. Barnwell, from the Committee on Finance, moved to amend by adding thereto the following words, to wit: "For salary of the law clerk of the Department of Justice, eight hundred and seventy-five dollars."

The amendment was agreed to, and the bill was engrossed, read third time, and passed as amended.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President on yesterday approved and signed

Preamble and resolutions concerning Brig. Gen. Ben. McCulloch.

The next bill having been taken up, which was

A bill making additional appropriations for the Navy of the Confederate States for the year ending February 18, 1862,

Mr. Barnwell, from the Committee on Finance, moved the following amendments, viz: "For floating defenses for New Orleans, Louisiana, eight hundred thousand dollars," and "To construct submarine batteries for the destruction of vessels, fifty thousand dollars;" which were agreed to.

Mr. Conrad moved to amend by adding as follows, to wit:

To construct centrifugal gun, the invention of Charles S. Dickinson, subject to the conditions of the act passed for that purpose, five thousand dollars.

which was agreed to.

And also by adding the following, to wit:

For expenditures in the ordnance department of the navy-yard at Norfolk, for the year ending eighteenth February, eighteen hundred and sixty-two, one hundred and fifteen thousand and fifty-one dollars.

The amendment was agreed to.

Mr. Currin moved to amend by adding as follows, to wit:

For the construction, equipment, and armament of two iron-clad gunboats, for the defense of the Mississippi River and the city of Memphis, one hundred and sixty thousand dollars.

The amendment was agreed to.

The bill as amended was engrossed, read the third time, and passed.

The following bill was taken up, viz:

A bill making appropriations to carry into effect an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption, and for other purposes;

[which was] engrossed, read a third time, and passed.

The following bill was taken up, viz:

To authorize the issue of inscribed stock in the stead of coupon bonds;

which was engrossed, read a third time, and passed.

The following bill was taken up, viz:

A bill relative to the entry and discharge of vessels; which was engrossed, read a third time, and passed.

The following bill was taken up, viz:

To repeal the fourth and fifth sections of an act to regulate foreign coins in the Confederate States, approved March 16 [14], 1861.



The second section of the bill having been read, as follows, viz:

SEC. 2. That the following silver coins shall pass current as money within the Confederate States of America, and be received in payment for all debts and demands at the following rates, that is to say: The American dollar, four hundred and twelve and one-half grains, and the dollar of Mexico, of not less than eight hundred and ninety-seven thousandths in fineness, and four hundred and fifteen grains in weight, shall be deemed equal to one dollar and five cents. The five-franc piece, if not less than nine hundred thousandths in fineness, and three hundred and eighty-four grains in weight, shall be deemed equal to ninety-six cents.

On motion of Mr. Barnwell, the bill was amended by striking out the whole of said section.

On motion of Mr. McRae, the first section was then amended where occur the words "fourth and fifth sections," by striking out the words "and fifth" and making the word "sections" read "section."

The bill was engrossed as amended, read the third time, and passed.

On motion of Mr. McRae, the title was amended so as to read as follows, viz:

A bill to repeal the fourth section of an act to regulate foreign coins in the Confederate States, approved March 16 [14], 1861.

The following bill was taken up, to wit:

To establish assay offices at Charlotte and Dahlonega.

The fourth section of the bill being under consideration, limiting the salary of the assayer to \$2,000 over and above all expenses,

On motion of Mr. Chilton, the same was amended by striking out the words "over and above all expenses."

Mr. Conrad moved to postpone the regular order of the day, which was the unfinished business of yesterday—

A bill sequestrating the estates, property, and effects of alien enemies, etc.,

In order to take up

A bill to authorize the impressment of property in certain cases.

Mr. Orr called for a division of the question.

Mr. Waul demanded the question; which was seconded; and the vote being taken on the first proposition, viz, to postpone the consideration of the unfinished business of yesterday,

The same was rejected.

Mr. Johnson of Arkansas moved to postpone the regular order of the day until next December, and demanded the question; which was seconded, and

Mr. Seddon, at the instance of the State of Virginia, demanded the yeas and nays of the whole body to be recorded thereon; which are as follows, viz:

Alabama—Yea: Mr. Smith. Nay: Messrs. Walker, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, and Garland.

Florida—Nay: Mr. Morton.

Georgia—Nay: Messrs. Howell Cobb, Foreman, Crawford, Wright, and T. R. R. Cobb.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, Kenner, and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, and Orr. Nay: Messrs. Barry and Harrison.

North Carolina—Yea: Mr. Puryear. Nay: Messrs. Davis, Avery, and Morehead.

South Carolina—Nay: Messrs. Rhett, Barnwell, Chesnut, Miles, and Boyce.

Tennessee—Yea: Messrs. Currin, Jones, House, and Thomas. Nay: Messrs. Atkins, Caruthers, and De Witt.

Texas—Nay: Messrs. Reagan, Hemphill, Waul, and Oldham.

Virginia—Yea: Messrs. Tyler, Macfarland, Rives, and Johnston. Nay: Messrs. Seddon, W. B. Preston, Scott, Mason, Brockenbrough, and Walter Preston.

Yea: Arkansas, Mississippi, and Tennessee, 3.

Nay: Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Texas, and Virginia, 8.

So the motion was not agreed to.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations for the expenses of Government in the legislative, executive, and judicial departments for the year ending 18th of February, 1862; and

An act making appropriations to carry into effect an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption, and for other purposes.

Congress proceeded to the consideration of the unfinished business of yesterday: which was the consideration of the sixth section of the bill to sequester the estates, property, and effects of alien enemies, etc.

Mr. Walker moved further to amend the same by adding to the end thereof the following, to wit:

But this proviso shall not apply to bank or other corporation stock, or dividends due, or which may become due thereon, or to rents on real estate in cities. And no debtor or other person shall be entitled to the benefit of this proviso unless he has first paid into the hands of the receiver all interest or net profits which may have accrued since the twenty-first May, eighteen hundred and sixty-one; and, in all cases coming under this proviso, such debtor shall be bound to pay over annually to the receiver all interest which may accrue as the same falls due; and the person in whose hands any other property may be left shall be bound to account for, and pay over annually to the receiver, the net income or profits of said property, and on failure of such debtor or other person to pay over said interest, net income, or profits, as the same falls due, the receiver may demand and recover the debt or property. And whenever, after ten days' notice to any debtor or person in whose hands property or debts may be left, of an application for further security, it shall be made to appear to the satisfaction of the court that the securities of such debtor or person are not ample, the court may, on the failure of the party to give sufficient additional securities, render judgment against all the parties on the bond for the recovery of the debt or property.

Mr. Johnson of Arkansas demanded the question; which was seconded, and, at the instance of the State of Arkansas, the yeas and nays of the whole body were ordered to be recorded thereon, and are as follows, viz:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, McRae, and Jones.

Arkansas—Yea: Messrs. Johnson and Thomason. Nay: Messrs. Garland and Watkins.

Florida—Yea: Mr. Morton.

Georgia—Yea: Messrs. Foreman and Crawford.

Louisiana—Yea: Messrs. Perkins, De Clouet, Kenner, and Marshall. Nay: Messrs. Conrad and Sparrow.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Barry, and Harrison.

North Carolina—Yea: Mr. Smith. Nay: Messrs. Davis, Avery, Venable, Morehead, and Puryear.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, House, and Thomas.

Texas—Yea: Messrs. Reagan, Hemphill, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Macfarland, Rives, Scott, Mason, Brockenbrough, and Walter Preston.

Yea: Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Texas, and Virginia, 9.

Nay: North Carolina, 1.

Divided: Arkansas, 1.

So the amendment was agreed to.

Mr. Rives moved to lay the bill on the table.

Mr. Orr called the question.

Mr. Brockenbrough moved to reconsider the vote on the passage of A bill to authorize the Secretary of War to make a certain payment out of the contingent fund.

Pending the consideration of the call for the question by Mr. Orr,

Congress, on motion of Mr. Curry,

Adjourned until 10 o'clock to-morrow morning.

### THIRTY-FIRST DAY—SATURDAY, AUGUST 24, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Bozeman.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Johnson of Arkansas offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That five hundred copies of the acts of this, the third session of Congress, be published in pamphlet form as early as possible, to be distributed by the Attorney-General among the public officers and members of Congress.

The Chair presented a communication from the President, in reply to a resolution of inquiry concerning the letter of General Bonham, in relation to the hanging of prisoners taken by the enemy; which was read and laid on the table.

Congress then resumed the consideration of the unfinished business of the morning hour; which was the consideration of the amendment of Mr. Avery to the resolution of Mr. Sparrow relative to the appointment of a committee to examine into the Commissary, Quartermaster, and Medical Departments, etc., the amendment being to strike out the words "and said committee shall have leave to sit during the recess of Congress."

Mr. Curry moved to refer the resolution and amendment to the Committee on Military Affairs, and called the question; which was seconded.

Mr. Sparrow, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, McRae, and Shorter.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Yea: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, and T. R. R. Cobb. Nay: Mr. Wright.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Barry, and Harrison. Nay: Mr. Orr.

North Carolina—Yea: Messrs. Davis and Avery. Nay: Messrs. Smith and Venable.

South Carolina—Yea: Messrs. Barnwell and Miles. Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, De Witt, and Thomas. Nay: Messrs. Jones and House.

Texas—Yea: Messrs. Reagan, Hemphill, and Waul. Nay: Messrs. Gregg and Oldham.

Virginia—Yea: Messrs. Seddon, Macfarland, Rives, and Scott. Nay: Messrs. W. B. Preston, Bocoek, Brockenbrough, Johnston, and Staples.

Yea: Alabama, Georgia, Mississippi, Tennessee, and Texas, 5.

Nay: Arkansas, Florida, Louisiana, and Virginia, 4.

Divided: North Carolina and South Carolina, 2.

So the motion was not agreed to.

Mr. Avery called the question, which was upon agreeing to his amendment, and the call being sustained, he demanded, at the instance of the State of North Carolina, that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, McRae, and Shorter.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins. Nay: Mr. Johnson.

Florida—Yea: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb, Foreman, and Crawford. Nay: Messrs. Wright and T. R. R. Cobb.

Louisiana—Yea: Messrs. Perkins, Kenner, and Marshall. Nay: Messrs. De Clouet and Sparrow.

Mississippi—Yea: Messrs. Harris, Brooke, Barry, and Harrison. Nay: Mr. Orr.

North Carolina—Yea: Messrs. Davis, Avery, and Venable. Nay: Mr. Smith.

South Carolina—Yea: Messrs. Barnwell, Miles, and Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Messrs. Atkins, Caruthers, De Witt, House, and Thomas. Nay: Mr. Jones.

Texas—Yea: Messrs. Reagan and Gregg. Nay: Messrs. Hemphill, Waul, and Oldham.

Virginia—Yea: Messrs. Bocoek, Rives, and Mason. Nay: Messrs. W. B. Preston, Macfarland, Brockenbrough, Johnston, and Staples.

Yea: Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, 8.

Nay: Florida, Texas, and Virginia, 3.

So the amendment was agreed to.

Mr. Perkins moved to amend by striking out the following words, to wit: "a committee composed of one from each State, to be selected



by the Delegates therefrom, be appointed to" and inserting in lieu thereof the following words, to wit: "the Military Committee."

Mr. Gregg moved to amend by inserting between the words "examine" and "into" the following words, to wit: "during the vacation between this and the next session of Congress." And by adding at the end of the resolution the following words, to wit: "and that the committee report to the next session of Congress."

Mr. Harrison moved to lay the resolution and amendments on the table, and called the question; which was seconded; when

Mr. Orr, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Mr. Johnson. Nay: Messrs. Thomason and Garland.

Florida—Nay: Mr. Ward.

Georgia—Nay: Messrs. Howell Cobb, Foreman, and T. R. R. Cobb.

Louisiana—Yea: Mr. Kenner. Nay: Messrs. Perkins, De Clouet, Conrad, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Brooke, Barry, and Harrison. Nay: Mr. Orr.

North Carolina—Yea: Mr. Avery. Nay: Messrs. Davis, Smith, and Puryear.

South Carolina—Yea: Messrs. Barnwell, Chesnut, Memminger, and Miles. Nay: Messrs. Rhett and Boyce.

Tennessee—Nay: Messrs. Atkins, Currin, De Witt, Jones, and Thomas.

Texas—Yea: Messrs. Reagan and Oldham. Nay: Messrs. Hemp-hill, Waul, and Gregg.

Virginia—Yea: Messrs. W. B. Preston, Rives, Scott, and Mason. Nay: Messrs. Seddon, Tyler, Macfarland, Bocoek, Brockenbrough, Johnston, Staples, and Walter Preston.

Yea: Alabama, Mississippi, and South Carolina, 3.

Nay: Arkansas, Florida, Georgia, Louisiana, North Carolina, Tennessee, Texas, and Virginia, 8.

So the motion was not agreed to.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the issue of inscribed stock in the stead of coupon bonds;

An act to establish assay offices at Charlotte and Dahlonga;

An act to repeal the fourth section of an act to regulate foreign coins in the Confederate States, approved March 16 [14], 1861, and for other purposes; and

An act making additional appropriations for the Navy of the Confederate States for the year ending February 18, 1862.

The hour of 12 m. having arrived, Mr. Garland moved to postpone for one hour the consideration of the special order; and the vote thereon having been taken by States, resulted as follows, to wit:

Yea: Arkansas, Georgia, Louisiana, Tennessee, and Virginia, 5.

Nay: Alabama, Florida, Mississippi, North Carolina, South Carolina, and Texas, 6.

So the motion was not agreed to.

Mr. Smith of North Carolina, by unanimous consent, presented the resolutions of the legislature of North Carolina relative to resigned naval officers; which were read and referred to the Committee on Naval Affairs.

Mr. Miles, from the Committee on Military Affairs, by unanimous consent, reported and recommended the passage of

A bill to authorize the establishment of recruiting stations for volunteers from the States of Kentucky, Missouri, Maryland, and Delaware;

which was read first and second times and placed on the Calendar.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act making appropriations for the expenses of Government in the legislative, executive, and judicial departments for the year ending 18th February, 1862;

An act making appropriations to carry into effect an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption, and for other purposes;

An act to authorize the issue of inscribed stock in the stead of coupon bonds;

An act to establish assay offices at Charlotte and Dahlonga;

An act making additional appropriations for the Navy of the Confederate States for the year ending February 18th, 1862; and

An act to repeal the fourth section of an act to regulate foreign coins in the Confederate States, approved March 16 [14], 1861, and for other purposes.

Congress proceeded to the consideration of the special order of the day; which was the unfinished business of yesterday, to wit, the motion of Mr. Rives to lay on the table the bill to sequester the estates, property, and effects of alien enemies, etc.

Mr. Orr having demanded the question, withdrew the same.

Mr. Foreman renewed the demand; which was seconded, and

Mr. Reagan, at the instance of the State of Texas, demanded that the yeas and nays of the whole body should be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Thomason and Garland.

Florida—Nay: Messrs. Morton and Ward.

Georgia—Nay: Messrs. Howell Cobb, Foreman, Crawford, and Wright.

Louisiana—Yea: Mr. Sparrow. Nay: Messrs. Perkins, De Clouet, Conrad, Kenner, and Marshall.

Mississippi—Yea: Mr. Barry. Nay: Messrs. Harris, Brooke, Orr, and Harrison.

North Carolina—Yea: Mr. Puryear. Nay: Messrs. Davis, Avery, Smith, and Venable.

South Carolina—Yea: Mr. Chesnut. Nay: Messrs. Rhett, Barnwell, Memminger, Miles, and Boyce.

Tennessee—Yea: Mr. Jones. Nay: Messrs. Atkins, Caruthers, De Witt, House, and Thomas.

Texas—Nay: Messrs. Reagan, Hemphill, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Macfarland and Rives. Nay: Messrs. Sed-

don, W. B. Preston, Tyler, Bocock, Scott, Mason, Brockenbrough, Johnston, Staples, and Walter Preston.

So the motion was lost.

Mr. Gregg moved to amend the sixth section of the bill by adding, to come in before the proviso offered by Mr. Walker and agreed to, the following proviso, viz:

*Provided*, That any person having a just claim against any alien enemy, may set off the same against any demand for the recovery of which proceedings shall be instituted under this act.

Mr. Walker demanded the question; which was seconded; and the vote thereon having been taken by States, resulted as follows:

Yea: Florida and Texas.

Nay: Alabama, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Divided: Arkansas.

So the motion was lost.

Mr. Chilton moved to amend the sixth section by adding the following proviso, viz:

*Provided further*, That said court may, whenever, in the opinion of the judge thereof, the public exigencies may require it, order the moneys due as aforesaid to be demanded by the receiver, and if upon demand of the receiver, made in conformity to a decretal order of the court requiring said receiver to collect any debt for the payment of which security may have been given under the provisions of this act, the debtor or his security shall fail to pay the same, then upon ten days' notice to said debtor and his security, given by said receiver, of a motion to be made in said court for judgment for the amount so secured, said court, at the next term thereof, may proceed to render judgment against said principal and security, or against the party served with such notice, for the sum so secured with interest thereon, in the name of said receiver, and to issue execution therefor.

The amendment was agreed to.

Mr. Macfarland moved to amend the sixth section by adding thereto the following proviso:

*Provided also*, That nothing herein contained shall be so construed as to authorize the seizure and sequestration of any property or debts belonging to femmes covert or to minors who do not serve in the armies of the United States or to natural-born citizens of any of the Confederate States, who, residing in any one of the Northern or Western States before the dissolution of the Union, without any act of adhesion to the existing Government of the United States, shall return within the Confederate States before and become citizens thereof.

Mr. Harrison demanded the question thereon; which was seconded, and

Mr. Macfarland, at the instance of the State of Virginia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Nay: Messrs. Thomason and Garland.

Florida—Nay: Mr. Morton.

Georgia—Yea: Mr. T. R. R. Cobb. Nay: Messrs. Howell Cobb, Foreman, Crawford, and Wright.

Louisiana—Yea: Messrs. Conrad and Sparrow. Nay: Messrs. De Clouet, Kenner, and Marshall.

Mississippi—Yea: Mr. Brooke. Nay: Messrs. Orr, Barry, and Harrison.

North Carolina—Yea: Messrs. Davis, Smith, and Puryear. Nay: Messrs. Avery and Venable.



South Carolina—Nay: Messrs. Rhett, Barnwell, Chesnut, Memminger, and Miles.

Tennessee—Yea: Messrs. De Witt, Jones, House, and Thomas. Nay: Messrs. Atkins, Currin, and Caruthers.

Texas—Yea: Mr. Hemphill. Nay: Messrs. Reagan, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Macfarland and Rives. Nay: Messrs. Seddon, W. B. Preston, Bocoek, Scott, Mason, Brockenbrough, Staples, and Walter Preston.

Yea: North Carolina and Tennessee, 2.

Nay: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia, 9.

So the motion to amend was lost.

Mr. Hemphill moved to amend the sixth section by adding thereto the following proviso, to wit:

*Provided*, That in all cases where the wife or the minor children of an alien enemy are residing within the limits of the Confederate States, the homestead (with its limits as defined by the laws of the States) of such wife or children shall not be sequestered; and of the rents, hire, interests, and profits of the alien's estate (exclusive of the homestead) such portion under the decree or order of the court shall be paid as may be necessary for their decent support and for the education of the children, and in the States where there is a community of goods between husband and wife one-half at least of such rents, hire, interest, and profits shall be paid over or received by the wife and children.

Mr. Hemphill demanded the question; which was seconded, and, at the instance of the State of Texas, the yeas and nays of the whole body were ordered to be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, Shorter, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Garland.

Florida—Yea: Mr. Morton.

Georgia—Yea: Messrs. Foreman and Wright. Nay: Mr. Crawford.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Sparrow. Nay: Messrs. Perkins, Kenner, and Marshall.

Mississippi—Yea: Messrs. Brooke, Orr, and Barry. Nay: Mr. Harrison.

North Carolina—Yea: Mr. Puryear. Nay: Messrs. Davis, Avery, and Venable.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Barnwell, Memminger, and Miles.

Tennessee—Yea: Messrs. De Witt, Jones, and Thomas. Nay: Messrs. Atkins, Currin, Caruthers, and House.

Texas—Yea: Messrs. Hemphill, Waul, Gregg, and Oldham. Nay: Mr. Reagan.

Virginia—Yea: Messrs. Macfarland, Rives, Mason, and Brockenbrough. Nay: Messrs. Seddon, W. B. Preston, Bocoek, Scott, Staples, and Walter Preston.

Yea: Florida, Georgia, Mississippi, and Texas, 4.

Nay: Alabama, North Carolina, South Carolina, Tennessee, and Virginia, 5.

Divided: Arkansas and Louisiana, 2.

So the motion to amend was lost.

Mr. Brooke moved to amend the sixth section by adding thereto the following proviso, viz:

*Provided*, That the provisions of this act shall not be operative upon the property of persons born within the limits of the Confederate States and now absent or resi-



dents in the United States until the expiration of nine months from the date of its passage, and if within said period such persons shall return to the States of their nativity and resume their allegiance thereto, then this act as to them shall be inoperative and void.

Mr. Brooke demanded the question; which was seconded, and, at the instance of the State of Mississippi, the yeas and nays of the whole body were ordered to be recorded thereon; which are as follows, viz:

Alabama—Yea: Mr. Walker. Nay: Messrs. Smith, Curry, Cilton, McRae, Shorter, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Garland.

Florida—Nay: Mr. Morton.

Georgia—Nay: Messrs. Foreman and Crawford.

Louisiana—Yea: Messrs. Conrad and Sparrow. Nay: Messrs. Perkins, De Clouet, Kenner, and Marshall.

Mississippi—Yea: Messrs. Brooke, Orr, and Harrison. Nay: Mr. Barry.

North Carolina—Yea: Messrs. Davis, Smith, and Puryear. Nay: Messrs. Avery and Venable.

South Carolina—Nay: Messrs. Rhett, Barnwell, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Jones and Thomas. Nay: Messrs. Atkins, Currin, Caruthers, De Witt, and House.

Texas—Nay: Messrs. Reagan, Hemphill, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Macfarland, Brockenbrough, Staples, and Walter Preston. Nay: Messrs. Seddon, W. B. Preston, Boccock, Scott, and Mason.

Yea: Mississippi and North Carolina, 2.

Nay: Alabama, Florida, Georgia, Louisiana, South Carolina, Tennessee, Texas, and Virginia, 8.

Divided: Arkansas, 1.

So the motion to amend was lost.

Mr. Memminger moved to amend the sixth section by adding the following proviso, to wit:

*Provided also*, That this act shall not be construed to include property, real or personal (other than debts), which may have been transferred or conveyed in good faith before the passage of this act to any citizen or subject of any neutral power residing beyond the limits of the United States.

Mr. Conrad moved to amend the amendment by striking out the same and inserting in lieu thereof the following, viz:

*Provided*, That all sales, transfers, or conveyances by citizens of the United States, of property situated within these States, made subsequently to the day of shall be presumed to be fraudulent and designed to evade confiscation or seizure unless the contrary be proven.

Mr. Curry moved to lay the amendments on the table; and the vote thereon having been taken by States, resulted as follows:

Yea: Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 9.

Nay: Tennessee, 1.

Divided: Georgia, 1.

So the motion prevailed.

The sixth section as amended reads as follows, viz:

SEC. 6. *Be it further enacted, etc.*, That it shall be the duty of the several receivers aforesaid to take the possession, control, and management of all lands, tenements and hereditaments, goods and chattels, rights and credits of each and every alien enemy within the section for which he acts. And to this end he is empowered and required,

whenever necessary for accomplishing the purposes of this act, to sue for and recover the same in the name of said Confederate States, allowing, in the recovery of credits, such delays as may have been, or may be, prescribed in any State as to the collection of debts therein during the war. And the form and mode of action, whether the matter be of jurisdiction in law or equity, shall be by petition to the court setting forth, as best he can, the estate, property, right, or thing sought to be recovered, with the name of the person holding, exercising supervision over, in possession of, or controlling the same, as the case may be, and praying a sequestration thereof. Notice shall thereupon be forthwith issued by the clerk of the court, or by the receiver, to such person, with a copy of the petition, and the same shall be served by the marshal or his deputy and returned to the court as other mesne process in law cases; whereupon, the cause shall be docketed and stand for trial in the court according to the usual course of its business, and the court or judge shall, at any time, make all orders of seizure that may seem necessary to secure the subject-matter of the suit from danger of loss, injury, destruction, or waste, and may, pending the cause, make orders of sale in cases that may seem to such judge or court necessary to preserve any property sued for from perishing or waste: *Provided*, That in any case when the Confederate judge shall find it to be consistent with the safe-keeping of the property so sequestered, to leave the same in the hands and under the control of any debtor or person in whose hands the real estate and slaves were seized, who may be in possession of the said property or credits, he shall order the same to remain in the hands and under the control of said debtor or person in whose hands the real estate and slaves were seized, requiring in every such case such security for the safe-keeping of the property and credits as he may deem sufficient for the purpose aforesaid, and to abide by such further orders as the court may make in the premises. But this proviso shall not apply to bank or other corporation stock, or dividends due, or which may be due thereon, or to rents on real estate in cities. And no debtor or other person shall be entitled to the benefit of this proviso unless he has first paid into the hands of the receiver all interest or net profits which may have accrued since the twenty-first May, eighteen hundred and sixty-one; and, in all cases coming under this proviso, such debtor shall be bound to pay over annually to the receiver all interest which may accrue as the same falls due; and the person in whose hands any other property may be left shall be bound to account for, and pay over annually to the receiver, the net income or profits of said property, and on failure of such debtor or other person to pay over said interest, net income, or profits, as the same falls due, the receiver may demand and recover the debt or property. And wherever, after ten days' notice to any debtor or person in whose hands property or debts may be left, of an application for further security, it shall be made to appear to the satisfaction of the court that the securities of such debtor or person are not ample, the court may, on the failure of the party to give sufficient additional securities, render judgment against all the parties on the bond for the recovery of the debt or property: *Provided further*, That said court may, whenever, in the opinion of the judge thereof, the public exigencies may require it, order the moneys due as aforesaid to be demanded by the receiver, and if upon demand of the receiver, made in conformity to a decretal order of the court requiring said receiver to collect any debt for the payment of which security may have been given under the provisions of this act, the debtor or his security shall fail to pay the same, then upon ten days' notice to said debtor and his security, given by said receiver, of a motion to be made in said court for judgment for the amount so secured, said court, at the next term thereof, may proceed to render judgment against said principal and security, or against the party served with such notice, for the sum so secured with interest thereon, in the name of said receiver, and to issue execution therefor.

Mr. Avery moved to amend the bill by adding the following as an additional section, to be the seventh section, to wit:

No property is intended to be absolutely confiscated at present by this act except in so far as our alien enemies have or shall hereafter by their practices under their legislation confiscate the property of citizens of the Confederate States of America or of persons aiding the same, but to the precise and full extent of such confiscation by our enemies this act shall be construed retaliatory.

Mr. Atkins moved to lay the amendment on the table, and demanded the question; which was seconded, and the motion prevailed.

Mr. Davis, by unanimous consent, presented the memorial of the Wilmington, Charlotte and Rutherford Railroad Company; which was referred to the Committee on Postal Affairs, without being read.

The Chair presented a communication from the President, transmitting to Congress estimates from the Secretary of the Navy for the construction and equipment of three gunboats for the coast and river defense of the State of Florida, \$420,000; which was read and referred to the Committee on Naval Affairs.

Mr. Orr of Mississippi offered the following resolution, to wit:

*Resolved*, That the resolution under which a committee consisting of one from each State was appointed to inquire of the commercial and financial independence of the Confederate States, and the committee as appointed, be made public, and secrecy be removed from the same and it be published.

Mr. Walker moved that when Congress adjourns it take a recess until 8 o'clock p. m.; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Alabama, Mississippi, South Carolina, and Virginia, 4.

Nay: Florida, Georgia, Louisiana, North Carolina, Tennessee, and Texas, 6.

Divided: Arkansas, 1.

So the motion was not agreed to.

On motion of Mr. Sparrow,

Congress then adjourned until 10 o'clock Monday morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Conrad, from the Committee on Naval Affairs, to whom were referred the communications of the President, transmitting the nominations of Henry B. Tyler, jr., of the District of Columbia, to be a first lieutenant in the Marine Corps; Robert J. Freeman, of Virginia, to be an assistant surgeon in the Navy; J. W. B. Greenhow, of Georgia, to be a surgeon in the Navy; Israel Greene, of Virginia, to be adjutant of the Marine Corps, with the rank of major; William B. Howell, of Louisiana, to be Navy agent at New Orleans, La., reported the same back and recommended that Congress advise and consent thereto.

The report was agreed to, and Congress advised and consented to the nominations.

The nomination of J. M. Reid to be postmaster at New Orleans was taken up; and, on motion of Mr. Reagan, Congress advised and consented to the nomination.

Mr. Curry moved to reconsider the vote by which Congress advised and consented to said nomination.

Pending which,

Congress resumed legislative session.

#### THIRTY-SECOND DAY—MONDAY, AUGUST 26, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Bishop Early.

Congress then resolved itself into secret session.



## SECRET SESSION.

Congress being in secret session,

Mr. Barnwell moved to take up a Calendar bill, entitled

A bill to audit the claims of the respective States against the Confederate States.

The motion was agreed to.

And the first section of the same being under consideration, Mr. Barnwell moved to amend the same by striking out the words "the Second Auditor" and inserting in lieu thereof the following words, to wit:

such auditor or auditors of the Treasury Department, as may be designated by the Secretary of the Treasury, and to that end the said Secretary be authorized to appoint as many extra clerks for the time as he may deem necessary, at the rate of salary now allowed for clerks.

The amendment was agreed to, and the section as amended reads as follows, to wit:

SECTION 1. *The Congress of the Confederate States do enact*, That it shall be the duty of such auditor or auditors of the Treasury Department, as may be designated by the Secretary of the Treasury, and to that end the said Secretary be authorized to appoint as many extra clerks for the time as he may deem necessary, at the rate of salary now allowed for clerks [of the Treasury Department], to audit the accounts and claims of the respective States of the Confederacy against the Confederate Government for the advances and expenditures made by the said States respectively for the use and benefit of the Confederacy in preparation for or in conducting the war now existing against the United States, and all claims for advances or expenditures of any kind made by any State prior to the passage of its ordinance of secession shall be shown to have been made in contemplation of the act of secession afterwards consummated, and of the war that might probably ensue, or in the seizure or acquisition of forts, arsenals, navy-yards, armaments, munitions, and other useful instrumentalities of war, or in the purchase or manufacture of arms or munitions which have since been transferred to the Confederacy, or in some regular mode been brought into its service for the prosecution of the war aforesaid, before such claims shall be audited and the amount ascertained.

The second section of the bill being under consideration; which is as follows, to wit:

SEC. 2. And in auditing the claims of the States of Virginia, North Carolina, and Tennessee, reference shall be had to the special compacts and engagements had with those States respectively by the Confederate Government in view of their proposed adhesion to the Provisional Constitution, or of the support of their armaments and the prosecution of the war afterwards, and all claims coming fairly within the purview of such compacts, being properly verified by vouchers, shall in favor of said States be audited and ascertained.

Mr. Caruthers moved to amend by inserting after the word "vouchers" the following words, to wit: "or other satisfactory evidence;" and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Arkansas, North Carolina, Tennessee, Texas, and Virginia, 5.

Nay: Alabama, Georgia, Louisiana, Mississippi, and South Carolina, 5.

So the amendment was not agreed to.

The third section being under consideration; which is as follows, to wit:

SEC. 3. That proof shall be made in all cases by proper vouchers to the satisfaction of the auditor that the amount claimed was actually advanced or expended, that the expenditure was proper, and no greater amount for pay and services shall be audited than is allowed by the regulations of the Confederate Government for pay and services in the like cases, and the auditor shall make a special report of his action under this law to the Congress at its next session.



Mr. Johnston of Virginia moved to amend by striking out the words "that the expenditure was proper."

The amendment was not agreed to.

Mr. Johnson of Arkansas moved to postpone the further consideration of the bill until the next session, and called the question thereon; which was seconded; when

Mr. Scott, at the instance of the State of Virginia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Chilton, Shorter, and Jones.

Arkansas—Yea: Messrs. Johnson and Thomason.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, and T. R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, and Sparrow. Nay: Mr. Perkins.

Mississippi—Yea: Mr. Orr. Nay: Messrs. Brooke, Barry, and Harrison.

North Carolina—Yea: Mr. Venable. Nay: Messrs. Davis, Avery, and Smith.

South Carolina—Yea: Messrs. Rhett, Memminger, Miles, and Boyce. Nay: Messrs. Barnwell and Chesnut.

Tennessee—Nay: Messrs. Atkins, Caruthers, De Witt, Jones, House, and Thomas.

Texas—Yea: Mr. Oldham. Nay: Messrs. Hemphill, Waul, and Gregg.

Virginia—Yea: Mr. W. B. Preston. Nay: Messrs. Hunter, Tyler, Macfarland, Rives, Scott, Mason, Brockenbrough, Johnston, and Walter Preston.

Yea: Alabama, Arkansas, Georgia, Louisiana, and South Carolina, 5.

Nay: Florida, Mississippi, North Carolina, Tennessee, Texas, and Virginia, 6.

So the motion was not agreed to.

Mr. Thomas moved to amend by adding the following proviso, to wit:

*Provided*, That nothing in this section contained shall be construed to affect the provisions of the second section of this act.

Mr. Smith called the question; which was seconded; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Georgia, North Carolina, Tennessee, and Virginia, 4.

Nay: Alabama, Arkansas, Florida, Louisiana, Mississippi, South Carolina, 6.

Divided: Texas, 1.

So the amendment was not agreed to.

Mr. Scott moved to amend by inserting after the word "expended" the following words, to wit: "and unless otherwise required by the said special compacts and engagements."

Mr. Waul called the question; which was seconded; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Arkansas, Georgia, North Carolina, Tennessee, and Virginia, 5.

Nay: Alabama, Florida, Louisiana, Mississippi, South Carolina, and Texas, 6.

So the amendment was not agreed to.

Mr. House moved to amend by inserting after the word "cases" the following words, to wit: "unless the agreement between such States and the Confederate States requires greater allowance."

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act entitled "An act to create the clerical force of the several [Executive] Departments of the Confederate States of America, and for other purposes," approved March 7, 1861.

The hour of 12 m. having arrived, Mr. Conrad moved to postpone the consideration of the special order, for a call of the committee for reports, etc.; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 9.

Nay: Alabama and Georgia, 2.

So the motion was agreed to.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making further appropriations for the service of the Post-Office Department during the year ending 18th February, 1862; and

An act relative to the entry and discharge of vessels.

Mr. Brockenbrough, from the Committee on the Judiciary, reported and recommended the passage of

A bill regulating the fees of clerks and marshals;

which was read first and second times, placed on the Calendar, and ordered to be printed; also

An act to regulate the fees of district attorneys and commissioners, and for other purposes;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. T. R. R. Cobb, from the same committee, reported and recommended the passage of

A bill to fix the fees and costs in admiralty cases;

which was read first and second times.

Mr. Conrad moved to amend by inserting after the word "States" the words "in like cases."

The amendment was agreed to, and the bill as amended was engrossed, read third time, and passed.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill to authorize the Secretary of the Navy to make certain contracts without advertising for proposals;

which was read first and second times, engrossed, read third time, and passed; also

A bill to authorize the construction of certain gunboats.

Section first being under consideration, Mr. Barnwell moved to amend by striking out the words "specially adapted to the defense of the coast of Florida."

The amendment was agreed to.

Mr. Conrad moved to amend by inserting the words "expressly adapted for seacoast defense."

The amendment was agreed to, and the bill as amended was engrossed, read third time, and passed.

Mr. William Ballard Preston, from the Committee on Military Affairs, reported and recommended the passage of

A bill authorizing the President to purchase a steamer and certain military supplies;

which was read first and second times, engrossed, read third time, and passed; also

A bill making appropriations for the purchase of a steamer and certain military supplies; which was read first and second times, engrossed, read third time, and passed.

Mr. Miles, from the same committee, reported and recommended the passage of

A resolution to provide troops in the field with bread and fresh provisions; which was read first and second times, engrossed, read third time, and passed.

Mr. Miles, from the Committee on Military Affairs, reported

A bill to amend the second section of an act concerning the transportation of soldiers and allowance for clothing of volunteers, and amendatory of the act for the establishment and organization of the Army of the Confederate States; which was taken up and read the first and second times.

The first section having been read, as follows, viz:

That instead of the twenty-one dollars at present allowed to each soldier every six months in lieu of clothing, the War Department shall furnish clothing, etc.

Mr. T. R. R. Cobb moved to amend the same by striking out [the above words] and inserting in lieu thereof the following, viz:

That the Secretary of War be, and is hereby, authorized and required to provide, as far as possible, clothing for the entire forces of the Confederate States, and to furnish the same to every regiment or company upon the requisition of the commander thereof.

The amendment was agreed to.

Mr. T. R. R. Cobb moved further to amend the bill by adding the following as an additional section, viz:

The commander of every volunteer company shall have the privilege of receiving commutation for clothing at the rate of twenty-five dollars per man for every six months, when they shall have furnished their own clothing.

The amendment was agreed to.

The bill as amended was engrossed, read a third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the construction of certain gunboats;

An act to authorize the Secretary of the Navy to make certain contracts without advertising for proposals; and

An act to fix the fees and costs in admiralty cases.

Mr. Miles, from the Committee on Military Affairs, called for the consideration of a bill on the Calendar

To authorize the establishment of recruiting stations for volunteers from the States of Kentucky, Missouri, Maryland, and Delaware.

The fourth section of the same being under consideration, which provides that the recruits shall be provided with nothing but clothing and rations until mustered in as companies,

Mr. T. R. R. Cobb moved to amend the same by adding the following proviso, to wit:

*Provided*, That such volunteers shall not be armed by the Confederate States until the volunteers now in the field shall be armed and equipped.

Mr. Foreman called the question; which was seconded; when

Mr. Cobb, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, and McRae. Nay: Messrs. Shorter and Jones.

Arkansas—Yea: Mr. Thomason.

Florida—Yea: Mr. Ward. Nay: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb, Foreman, and T. R. R. Cobb.

Louisiana—Yea: Messrs. Perkins and Conrad. Nay: Messrs. De Clouet, Kenner, and Sparrow.

Mississippi—Yea: Mr. Harrison. Nay: Mr. Barry.

North Carolina—Yea: Messrs. Davis, Smith, Venable, and Puryear.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Miles, and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, House, and Thomas.

Texas—Yea: Messrs. Hemphill and Oldham. Nay: Messrs. Reagan, Waul, and Gregg.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Hunter, Macfarland, Rives, Scott, Mason, Brockenbrough, Staples, and Walter Preston.

Yea: Alabama, Georgia, and Tennessee, 3.

Nay: Arkansas, Louisiana, North Carolina, South Carolina, Texas, and Virginia, 6.

Divided: Florida and Mississippi, 2.

So the amendment was not agreed to.

Mr. McRae moved to amend by striking out the words “clothing and.”

The amendment was not agreed to, and the bill was engrossed and read third time.

Mr. Atkins moved to reconsider the vote upon the ordering of the bill to be engrossed for a third reading.

The motion was not agreed to.

Mr. Davis called the question, which was upon the passage of the bill; and the call being seconded, Mr. T. R. R. Cobb, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Shorter, and Jones. Nay: Messrs. Curry and Chilton.

Arkansas—Yea: Mr. Thomason.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Howell Cobb, Crawford, and T. R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, and Sparrow. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Brooke, Barry, and Harrison.

North Carolina—Yea: Messrs. Davis, Smith, Venable, and Puryear.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Miles, and Boyce.

Tennessee—Yea: Messrs. Currin, Caruthers, De Witt, Jones, House, and Thomas. Nay: Mr. Atkins.

Texas—Yea: Messrs. Reagan, Waul, Gregg, and Oldham. Nay: Mr. Hemphill.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Rives, Scott, Mason, and Brockenbrough.



Yea: Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

Nay: Georgia, 1.

So the bill was passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act authorizing the President to purchase a steamer and certain military supplies; and

Resolutions to provide troops in the field with bread and fresh provisions.

Mr. Miles, from the Committee on Military Affairs, reported and recommended the passage of

An act explanatory of an act amendatory of an act for the organization of the staff departments of the Army, and an act for the establishment and organization of the Army of the Confederate States of America, approved May [March] 14, 1861;

which was read the first and second times and placed on the Calendar.

Mr. Miles, from the same committee, to whom was referred the petition of certain citizens of Cass County, Ga., reported same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Gregg, from the same committee, reported

A bill to authorize the Secretary of War to advance the sum of \$60,000 to procure the establishment of a telegraph line from New Orleans, in the State of Louisiana, to San Antonio, in the State of Texas;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Sparrow, from the same committee, reported the following resolution, to wit:

*Resolved*, That a committee of five be appointed to inquire into the organization and administration of the Quartermaster's and Commissary's Departments, with power to continue said inquiry during the recess, and to report at the next session of Congress what changes in the laws and regulations relating thereto are necessary and proper.

Mr. Curry moved to take a recess until 8 o'clock p. m.

Mr. Crawford moved that Congress adjourn until 10 o'clock to-morrow morning.

The motion was agreed to; and the Chair declared the Congress adjourned until 10 o'clock to-morrow morning.

### THIRTY-THIRD DAY—TUESDAY, AUGUST 27, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Hoge.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session, resumed the unfinished business of yesterday; which was the consideration of the amendment offered by Mr. House to the third section of a bill from the Finance Committee,

to audit the claims of the States against the Confederate Government; which is as follows, to wit:

To insert after the word "cases" the following words, to wit: "unless the agreement between such State and the Confederate States."

The amendment was not agreed to.

Mr. Barnwell moved to amend by adding as a fourth section to the bill the following, to wit:

SEC. 4. The Secretary of the Treasury is authorized, at his discretion, before the next session of Congress, to make advances to the respective States, on the amounts that may have been audited and ascertained to an extent not exceeding fifty per cent on the amounts then audited and ascertained, and shall report to the next Congress such advances and the causes that determined his discretion.

Mr. Hemphill moved to amend the amendment by striking out the word "fifty" and inserting in lieu thereof the word "thirty."

The amendment to the amendment was not agreed to.

Mr. Kenner moved to postpone the further consideration of the bill until 11.30 o'clock a. m.

The motion was not agreed to.

Mr. Kenner moved to postpone the farther consideration of the bill until 3 o'clock p. m. to-morrow.

The motion was not agreed to.

Mr. Kenner then moved to amend the amendment by adding the following proviso, to wit:

*Provided*, That no advance under this section shall be made to any one State until the accounts of all the States shall have been audited.

Mr. Avery moved to lay both amendments on the table, and called the question; which was seconded; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, 8.

Nay: Florida, Tennessee, and Virginia, 3.

So the motion was agreed to.

Mr. Thomason moved to amend by adding as a fourth section to the bill the following, to wit:

SEC. 4. The Secretary of the Treasury shall cause notice to be forwarded to the executive of each of the States of this Confederacy, immediately after the passage of this act, calling on such executive to forward the claims which may be held by his State, subject to be audited under the provisions of this act.

The amendment was agreed to, and the bill as amended was engrossed, read third time, and passed.

Mr. Barnwell, from the Committee on Finance, by unanimous consent, reported and recommended the passage of

An act to establish the office of commissioner of public buildings.

Mr. Curry moved to lay the bill on the table, and called the question; which was seconded; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Alabama, Georgia, and Tennessee, 3.

Nay: Arkansas, Florida, Louisiana, North Carolina, South Carolina, and Virginia, 6.

Divided: Mississippi and Texas, 2.

So the motion was not agreed to.

On motion of Mr. T. R. R. Cobb, the bill was then placed on the Calendar and ordered to be printed.

Mr. Memminger moved to postpone the consideration of the unfinished business of yesterday, in order to take up for consideration the report of the Special Committee on the Removal of the Seat of Government; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Arkansas, Georgia, North Carolina, Tennessee, and Virginia, 5.

Nay: Alabama, Florida, Louisiana, Mississippi, and Texas, 5.

Divided: South Carolina, 1.

So the motion was not agreed to.

Congress then resumed the consideration of the unfinished business of yesterday; which was the consideration of the amendment offered by Mr. Perkins to the resolution of Mr. Sparrow, providing for the appointment of a committee of one from each State to inquire into the administration of the Quartermaster, Commissary, and Medical Departments, the amendment being to strike out from the resolution the following words, to wit: "a committee of one from each State, to be selected by the Delegates therefrom, be appointed," and to insert in lieu thereof the following words, to wit: "the Military Committee."

Mr. Sparrow offered the following as a substitute for his original resolution, to wit:

*Resolved*, That a committee of five be appointed to inquire into the organization and administration of the Medical, Commissary, and Quartermaster's Departments, with power to continue said inquiry during the recess, and to report at the next session of Congress what changes in the laws and regulations relating thereto are necessary and proper.

Mr. Smith of Alabama moved to lay the resolution, amendments, and substitute on the table, and called the question; which was seconded, and

Mr. Sparrow, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, McRae, Shorter, and Jones.

Nay: Mr. Chilton.

Arkansas—Nay: Messrs. Johnson and Thomason.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb, Foreman, and Crawford.

Nay: Mr. T. R. R. Cobb.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, and Sparrow.

Mississippi—Yea: Messrs. Brooke and Harrison. Nay: Mr. Orr.

North Carolina—Yea: Messrs. Davis and Avery. Nay: Messrs. Smith and Venable.

South Carolina—Yea: Messrs. Barnwell, Chesnut, and Memminger. Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Mr. Thomas. Nay: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, and House.

Texas—Nay: Messrs. Hemphill, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Seddon and Mason. Nay: Messrs. W. B. Preston, Tyler, Scott, Brockenbrough, Staples, and Walter Preston.

Yea: Alabama, Georgia, Mississippi, and South Carolina, 4.

Nay: Arkansas, Florida, Louisiana, Tennessee, Texas, and Virginia, 6.

Divided: North Carolina, 1.

So the motion was not agreed to.

The question then recurred upon agreeing to the amendment offered

by Mr. Perkins; and Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, McRae, and Shorter. Nay: Messrs. Chilton and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Johnson.

Florida—Yea: Mr. Morton.

Georgia—Yea: Mr. Crawford. Nay: Messrs. Foreman, Wright, and T. R. R. Cobb.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, and Sparrow.

Mississippi—Yea: Messrs. Brooke and Harrison. Nay: Mr. Orr.

North Carolina—Yea: Mr. Avery. Nay: Messrs. Davis, Smith, and Venable.

South Carolina—Yea: Messrs. Barnwell, Chesnut, and Memminger. Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, De Witt, and House. Nay: Messrs. Jones and Thomas.

Texas—Nay: Messrs. Hemphill, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Hunter, Macfarland, Rives, Scott, Mason, and Johnston. Nay: Messrs. W. B. Preston, Tyler, Brockenbrough, Staples, and Walter Preston.

Yea: Alabama, Florida, Mississippi, South Carolina, Tennessee, and Virginia, 6.

Nay: Georgia, Louisiana, North Carolina, and Texas, 4.

Divided: Arkansas, 1.

So the amendment was agreed to.

The hour of 12 m. having arrived, Mr. Sparrow moved to suspend the consideration of the special order for half an hour, and called the question; which was seconded; and the question being put, the motion was agreed to.

Mr. Sparrow called the question, which was upon agreeing to the substitute offered by him in lieu of the original resolution; and the call being seconded, the question was put, and the substitute was agreed to.

The question was then put upon the adoption of the substitute, and the resolution as a substitute was adopted.

Mr. Johnson of Arkansas introduced the following resolution:

*Resolved*, That Congress extend the day of adjournment to Saturday, the thirty-first day of August, eighteen hundred and sixty-one.

Mr. Brooke moved to amend by striking out the words "Saturday, the thirty-first [day] of August" and inserting in lieu thereof the words "Monday, the second day of September."

The amendment was not agreed to.

The question then recurred upon agreeing to the resolution offered by Mr. Johnson; and the question being put, the resolution was agreed to.

Mr. Barnwell moved to reconsider the vote by which the resolution of Mr. Sparrow, as a substitute for his original resolution, was adopted.

And Mr. Sparrow, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, McRae, Shorter, and Jones. Nay: Mr. Chilton.



Arkansas—Nay: Messrs. Johnson and Thomason.

Florida—Nay: Mr. Morton.

Georgia—Yea: Mr. Crawford. Nay: Messrs. Foreman, Wright, and T. R. R. Cobb.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. Conrad and Sparrow.

Mississippi—Yea: Messrs. Brooke and Harrison. Nay: Mr. Orr.

North Carolina—Yea: Mr. Avery. Nay: Messrs. Davis and Venable.

South Carolina—Yea: Messrs. Barnwell, Chesnut, and Memminger. Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Mr. Thomas. Nay: Messrs. Atkins, Caruthers, De Witt, Jones, and House.

Texas—Yea: Mr. Reagan. Nay: Messrs. Hemphill, Waul, and Gregg.

Virginia—Yea: Messrs. Seddon, Hunter, Scott, and Mason. Nay: Messrs. W. B. Preston, Tyler, Macfarland, Rives, Brockenbrough, Johnston, Staples, and Walter Preston.

Yea: Alabama, Mississippi, and South Carolina, 3.

Nay: Arkansas, Florida, Georgia, Louisiana, North Carolina, Tennessee, Texas, and Virginia, 8.

So the motion was not agreed to.

Mr. Chilton moved to take up for consideration a bill on the Calendar entitled

An act to establish certain post routes therein named.

The motion was agreed to, and Congress proceeded to the consideration of the bill.

Mr. Crawford moved to amend by striking out the following words, to wit:

And the Postmaster-General is hereby authorized to establish upon said routes, respectively, such mail service as in his opinion the public exigencies demand: *Provided, however,* That he may withhold such service altogether if in his opinion the expense of such routes over the sums to be derived from them should not be more than counterbalanced by their convenience to the public.

The amendment was agreed to.

Mr. Chilton moved to amend by adding after the word "Georgia" the following, to wit:

Also, that a route be established from Calhoun, on the Alabama and Florida Railroad, in the county of Lowndes, in the State of Alabama, to Benton, in said county, through Mount Willing and Gordonsville. Also, a post route from Clarksville, in Mecklenburg County, Virginia, to Brownsville, in the State of North Carolina; and also from Mullins, in Alabama, to Lime Kiln, via Campbells Home; and also, a post route from Louisville, in the county of Winston, to Vaiden, in the county of Carroll, in the State of Mississippi.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend the second section of an act concerning the transportation of soldiers and allowance for clothing of volunteers, and amendatory of the act for the establishment and organization of the Army of the Confederate States; and

An act to authorize the establishment of recruiting stations for volunteers from the States of Kentucky, Missouri, Maryland, and Delaware.

Congress then proceeded to the consideration of the special order of the day; which was the unfinished business of yesterday, viz:

A bill to sequester the estates, property, and effects of alien enemies, etc.

The ninth section having been read as follows, viz:

SEC. 9. It shall be the duty of the district attorney of the Confederate States, diligently to prosecute all causes instituted under this act, and he shall receive as a compensation therefor one per cent upon and from the fruits of all litigation instituted under this act: *Provided*, That no matter shall be called litigated except a defendant be admitted by the court, and a proper plea be filed.

Mr. Davis of North Carolina moved to amend the same by striking out all after the word "therefor" and inserting in lieu thereof the words "such fees as may be allowed by the court."

The motion was lost.

Mr. Brooke moved to amend the same section by striking out the word "one" and inserting in lieu thereof the word "two."

The vote thereon having been taken by States, resulted as follows, viz:

Yea: Alabama, Arkansas, Florida, Mississippi, North Carolina, and South Carolina.

Nay: Georgia, Louisiana, Tennessee, Texas, and Virginia.

So the amendment was agreed to.

Section 14 providing for the appointment of commissioners to hear and adjudge claims brought before them by persons aiding this Confederacy in the present war who allege that they have been put to loss, and leaving the part of the section providing for the compensation of said commissioners blank, Mr. Smith moved to amend the same by filling the blank with the sum of \$2,500.

Mr. Chilton moved to amend by filling the blank with the sum of \$3,000.

The motion was lost; and the question recurring on the amendment of Mr. Smith of Alabama, the same was agreed to.

The fifteenth section, providing that

all sums realized by the receiver in one year for his services, exceeding ten thousand dollars, shall be paid into the Confederate Treasury, etc.

On motion of Mr. Thomason, the same was amended by striking out the word "ten" and inserting in lieu thereof the word "five."

The same section providing that the

judges, in settling accounts with receivers, shall make to them proper allowances of compensation, taking two and a half per cent on receipts, and the same amount on expenditures, as reasonable compensation, in all cases not attended with extraordinary difficulty or responsibility.

Mr. Reagan moved to amend the same by striking out the words "not attended with extraordinary difficulty or responsibility."

The amendment was agreed to.

Mr. Macfarland moved to amend the bill by adding to the same the following as an additional section, viz:

That all cases of payment in good faith, since the twenty-first of May last, by citizens of the Confederate States, or any of them, of debts due from them to citizens of the United States, and of purchase in good faith by the former of the latter of property within any of the Confederate States since the date aforesaid, shall be excepted from the foregoing provisions until otherwise provided by law.

Mr. Macfarland demanded the question; which was seconded, and, at the instance of the State of Virginia, the yeas and nays of the entire body were ordered to be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Nay: Mr. Johnson.

Florida—Nay: Messrs. Morton and Ward.

Georgia—Yea: Mr. Foreman. Nay: Mr. Crawford.

Louisiana—Yea: Messrs. Conrad and Sparrow. Nay: Messrs. Perkins, De Clouet, and Kenner.

Mississippi—Yea: Mr. Brooke. Nay: Messrs. Orr and Harrison.

North Carolina—Yea: Messrs. Davis and Smith. Nay: Messrs. Avery and Venable.

South Carolina—Nay: Messrs. Rhett, Barnwell, Chesnut, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Jones and De Witt. Nay: Messrs. Atkins, House, and Thomas.

Texas—Yea: Mr. Hemphill. Nay: Messrs. Reagan, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Tyler, Macfarland, Rives, Scott, Brockenbrough, and Johnston. Yea: Messrs. Seddon, W. B. Preston, Mason, Staples, and Walter Preston.

Yea: Virginia, 1.

Nay: Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, 9.

Divided: Georgia, 1.

So the motion was lost.

The preamble of the bill being as follows, viz:

Whereas the Congress of the United States of America have lately passed an act pretending to confiscate the property of the people of these Confederate States (except their slaves), and pretending to liberate their slaves; and

Whereas such unconstitutional and unauthorized legislation evinces a determination on the part of said United States to depart from the ordinary rules of warfare among civilized nations, and calls for retaliatory enactment by said Confederate States.

Mr. Reagan moved to amend by substituting in lieu thereof the following, viz:

Whereas the Government and people of the United States have departed from the usages of civilized warfare in confiscating and destroying the property of the people of the Confederate States, of all kinds, whether used for military purposes or not; and

Whereas our only protection against such wrongs is to be found in such measures of retaliation as will ultimately indemnify our own citizens for their losses and restrain the wanton excesses of our enemies: Therefore.

Mr. Curry demanded the question; which was seconded.

Mr. Chesnut, in the chair, decided that the question was on the ordering the bill to be engrossed for a third reading.

Mr. Conrad rose to a point of order; that the question was on the amendment offered by him as a substitute for the bill.

The Chair ruled that the substitute was not before the House, the same not having [been] offered.

Mr. Conrad appealed from the decision of the Chair, and on the question,

Shall the decision of the Chair stand as the judgment of the House?

Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Yea: Messrs. Smith, Curry, Chilton, McRae, Shorter, and Jones.

Florida—Nay: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Foreman and Crawford.

Louisiana—Yea: Mr. Kenner. Nay: Mr. Conrad.



Mississippi—Yea: Messrs. Orr and Harrison. Nay: Mr. Brooke.

North Carolina—Yea: Messrs. Davis, Avery, and Smith.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, House, and Thomas.

Texas—Yea: Messrs. Hemphill, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Mason, Brockenbrough, and Staples. Nay: Messrs. Rives, Scott, Johnston, and Walter Preston.

Yea: Alabama, Georgia, [Mississippi,] North Carolina, South Carolina, Tennessee, Texas, and Virginia, 7 [8].

Nay: Florida, 1.

Divided: Louisiana, 1.

Mr. Curry demanded the question on the engrossment of the bill.

And Mr. Conrad, at the instance of the State of Louisiana, on the question

Will the House second the demand for the question?

Demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Yea: Messrs. Smith, Curry, Chilton, McRae, and Jones.

Nay: Mr. Shorter.

Arkansas—Nay: Mr. Thomason.

Florida—Nay: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, and T. R. R. Cobb.

Louisiana—Yea: Mr. De Clouet. Nay: Messrs. Conrad and Kenner.

Mississippi—Yea: Messrs. Brooke, Orr, and Harrison.

North Carolina—Yea: Messrs. Davis and Avery. Nay: Messrs. Smith and Venable.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Boyce. Nay: Messrs. Chesnut and Miles.

Tennessee—Yea: Messrs. Currin, Caruthers, and Jones. Nay: Messrs. Atkins, De Witt, House, and Thomas.

Texas—Yea: Mr. Reagan. Nay: Messrs. Hemphill, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Seddon, Mason, Brockenbrough, and Staples. Nay: Messrs. W. B. Preston, Macfarland, Rives, Scott, Johnston, and Walter Preston.

Yea: Alabama, Georgia, Mississippi, and South Carolina, 4.

Nay: Arkansas, Florida, Louisiana, Tennessee, Texas, and Virginia, 6.

Divided: North Carolina, 1.

So the demand for the question was not seconded.

Mr. Oldham moved to amend the bill by adding to end of the last section the following, viz:

*Provided*, That nothing contained in this act shall in any wise impair or interfere with any right, claim, debt or demand, mortgage, judgment, or other lien owned and held by any citizen or citizens of any of the Confederate States against any citizen or citizens of the United States nor prevent satisfaction of the same out of any property of such debtor, debtors, or out of the specific property bound by such mortgage or other lien, wherever the same may be found within the limits of the Confederate States, but that in all such cases all the property, both real and personal, owned by such debtor or debtors within the Confederate States shall be subject to the payment of the debt or debts aforesaid, and shall be subject to seizure by attachment or such other process as may be prescribed by the laws of the State in which the same may



be found; and such creditor or creditors may prosecute his said right, claim, debt, or demand to judgment in any court having jurisdiction thereof, and may have a writ of execution or other proper process requiring the sale of said property for the satisfaction of said judgment, in accordance with the laws of such State, and the holder and owner of such mortgage or other lien may institute his suit in any court having jurisdiction thereof for the foreclosure of such mortgage or the enforcement of such lien and prosecute the same to judgment and execution for the satisfaction thereof. And all judgment creditors as aforesaid may have execution of their said judgments against the property of the judgment debtor found within the jurisdiction of the court rendering such judgments, and the title of the purchaser or purchasers under all such sales as aforesaid shall be valid, notwithstanding the passage of this act. And should there be an overplus of money arising from the proceeds of said sale after the payment of such execution and all costs arising thereon, such overplus shall be paid, by the officer executing such writ, into the hands of the receiver: *Provided further*, That such creditor shall institute his suit within twelve months after the passage of this act and prosecute the same with due diligence to final satisfaction.

Mr. Oldham demanded the question; which was seconded, and

Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the entire body be recorded; which are as follows, viz:

Alabama—Yea: Messrs. Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Johnson.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Mr. Howell Cobb. Nay: Messrs. Foreman, Crawford, and T. R. R. Cobb.

Louisiana—Yea: Messrs. Conrad and Sparrow. Nay: Messrs. De Clouet and Kenner.

Mississippi—Yea: Messrs. Brooke, Orr, and Harrison.

North Carolina—Yea: Messrs. Davis and Smith. Nay: Messrs. Avery and Venable.

South Carolina—Yea: Mr. Chesnut. Nay: Messrs. Rhett, Barnwell, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Atkins, Caruthers, De Witt, Jones, House, and Thomas. Nay: Mr. Currin.

Texas—Yea: Messrs. Hemphill, Waul, Gregg, and Oldham. Nay: Mr. Reagan.

Virginia—Yea: Messrs. Macfarland, Rives, and Brockenbrough. Nay: Messrs. Seddon, W. B. Preston, Scott, Mason, Johnston, Staples, and Walter Preston.

Yea: Mississippi, Tennessee, and Texas.

Nay: Alabama, Florida, Georgia, South Carolina, and Virginia.

Divided: Arkansas, Louisiana, and North Carolina.

So the amendment was not agreed to.

Mr. Orr then demanded the question on ordering the bill to be engrossed for a third reading; which was seconded; and the bill was ordered to be engrossed for a third reading.

Mr. Conrad moved to lay the bill on the table.

Mr. Memminger called the question; which was seconded; and the question being put, the motion was not agreed to.

Mr. Brooke rose to a question of privilege, and demanded that the bill should be engrossed before its third reading.

Mr. Chesnut, being in the chair, ruled and decided that, the Congress having ordered the bill to be engrossed for a third reading, the bill must now receive its third reading.

Mr. Reagan appealed from the decision of the Chair.

And the question being put,  
Shall the decision of the Chair stand as the judgment of the House?  
The same was decided in the affirmative.

Mr. Brooke moved to reconsider the vote by which the bill was ordered to be engrossed for a third reading.

The motion was not agreed to.

The bill was then read a third time, and Mr. Curry called the question, which was on the passage of the bill; and the call being seconded, the question was put, and the bill passed.

Congress then resolved itself into executive session; and having spent some time therein, resumed legislative session; and

On motion of Mr. Walter Preston,  
Adjourned until 10 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented a communication from the President, nominating, for the advice and consent of Congress, in the Provisional Army of the Confederate States:

To be assistant adjutant-general, with the rank of major—Ambrosio J. Gonzales, South Carolina; R. H. Riddick, North Carolina.

Assistant adjutant-general, with the rank of captain—G. C. Brown, Tennessee; R. H. Anderson, jr., Georgia.

Also a communication from the President, nominating, for the advice and consent of Congress, in the Army of the Confederate States:

#### ADJUTANT-GENERAL'S DEPARTMENT.

*Lieutenant-colonel.*

R. H. Chilton, Virginia.

*Captain.*

T. A. Washington, Virginia.

#### SUBSISTENCE DEPARTMENT.

*Colonel.*

Lucius B. Northrop, South Carolina.

*Lieutenant-colonel.*

R. B. Lee, Virginia.

*Majors.*

George W. Lay, Virginia; William B. Blair, Virginia.

*Captains.*

T. G. Williams, Virginia; Theodore Lewis, Louisiana.

#### MEDICAL DEPARTMENT.

*Surgeons.*

Samuel P. Moore, South Carolina; David C. De Leon, South Carolina; Charles H. Smith, Virginia; John M. Haden, Mississippi; Edward W. Johns, Maryland; William W. Anderson, South Carolina; Elisha P. Langworthy, Texas; Thomas H. Williams, Maryland; Lafayette Guild, Alabama; Francis Sorrel, Georgia.

*Assistant surgeons.*

Andrew J. Foard, Georgia; Richard Potts, Maryland; Robert L. Brodie, South Carolina; Nathaniel S. Crowell, South Carolina; Asa Wall, Virginia; Charles Brewer, Maryland; James H. Berrien, Georgia; Edward N. Covey, Maryland; David P. Ramseur, North Carolina; J. J. Gaenslen, Virginia.

## CORPS OF ENGINEERS.

*Major.*

Martin L. Smith.

*Captain.*

George W. C. Lee, Virginia.

## CORPS OF ARTILLERY.

*Lieutenant-colonels.*

John B. Magruder, Virginia; Josiah Gorgas.

*Majors.*

Edward C. Anderson, Georgia; Arnold Elzey, Maryland; Samuel S. Anderson, Virginia; John C. Pemberton, Virginia; George W. Rains.

*Captains.*

Caleb Huse; James L. White, Florida; Benjamin C. Yancey, jr., Alabama; Thomas M. Jones, Virginia; Charles S. Winder, Maryland; Smith Stansbury, Maryland; Samuel Jones, Virginia; John P. McCown, Tennessee; Julius A. de Lagnel, Virginia; Lardner Gibbon, North Carolina; Arnistead L. Long, Virginia; James Deshler, Alabama; R. M. Cuyler, Georgia; Anderson Merchant, Virginia; William N. Pendleton, Virginia; John A. Brown, Maryland.

*First lieutenants.*

Horace Randal, Texas; Robert C. Hill, North Carolina; Robert H. Anderson, Georgia; George A. Cunningham, Alabama; James Howard, Maryland; Abner Smead, Georgia; John Pegram, Virginia; Samuel M. Cooper, Virginia; Daniel Trueheart, Virginia; Theodore Moreno, Florida; Jos. A. Yates, South Carolina; James E. Slaughter, Virginia; John S. Saunders, Virginia; G. H. Hill, North Carolina; Wade H. Gibbs, South Carolina; Benjamin Allston, South Carolina; M. H. Wright, Tennessee; William Proctor Smith, Virginia; C. R. Collins, South Carolina; Jasper Whiting, Georgia; Robert B. Thomas, Florida; George U. Mayo, Virginia; J. R. Waddy, Virginia.

*Second lieutenants.*

Franklin De Barry, Florida; Willis Wilkinson, South Carolina; John J. Garnett, Virginia; Alexander D. Moore, North Carolina; Robert A. Talley, Virginia; Zaddock T. Willett, Texas; James P. Parker, Missouri; David G. White, Maryland; Nathaniel R. Chambliss, Tennessee; William F. Niemeyer, Virginia; Paul F. Faison, North Carolina; Clarence Derrick, Virginia; George O. Watts, Kentucky; W. W. McCreery, Virginia.

## CORPS OF CAVALRY.

*Colonel.*

Earl Van Dorn, Mississippi.

*Lieutenant-colonel.*

E. Kirby Smith, Florida.

*Major.*

Nathan G. Evans, South Carolina.

*Captains.*

William R. Bradfute, Tennessee; Thomas H. Taylor, Kentucky; James McIntosh, Florida; Robert Johnston, Virginia; George H. Steuart, Maryland; Charles W. Field, Kentucky; Walter H. Jenifer, Maryland; Dabney H. Maury, Virginia; W. D. De Saussure, South Carolina; John Adams, Tennessee.

*First lieutenants.*

Charles W. Phifer, Mississippi; James P. Major, Texas; Edward Ingraham, Mississippi; George B. Cosby, Kentucky; John B. Hood, Kentucky; John T. Mercer, Georgia; John C. Mullins, Mississippi; L. L. Lomax, Virginia; S. W. Ferguson, South Carolina.

*Second lieutenants.*

Andrew Jackson, jr., Tennessee; John W. Smith, Florida.

## CORPS OF INFANTRY.

*Colonels.*

W. W. Loring, Florida; Theophilus H. Holmes, North Carolina.

*Lieutenant-colonels.*

Robert S. Garnett, Virginia; Prince Camille de Polignac.

*Majors.*

Sackfield Maclin, Tennessee; William M. Gardner, Georgia; John Tyler, jr., Virginia; Carter L. Stevenson, Virginia; W. D. Smith, Georgia.

*Captains.*

Jos. F. Minter, Virginia; Lawrence O'Bannon, South Carolina; Henry Heth, Virginia; George C. Gibbs, South Carolina; Constantine Rae, Mississippi; William T. Stockton, Florida; John M. Jones, Virginia; John Archer, Texas; William E. Baldwin, Mississippi; Thomas K. Jackson, South Carolina; Charles H. Tyler, Virginia; E. D. Blake, South Carolina; A. B. Gray, South Carolina; Thomas Claiborne, jr., Tennessee; Thomas Jordan, Virginia; Robert J. Morrison, Virginia; J. Lucius Cross, Florida; Henry Little, Maryland.

*First lieutenants.*

Jas. K. McCall, Tennessee; Matthew L. Davis, North Carolina; Walter Jones, Virginia; A. M. Haskell, Maryland; Henry H. Walker, Virginia; David H. Todd, Louisiana; John Johns, Virginia; Thomas Overton, Louisiana; William Knox, jr., Alabama; James A. Smith, Tennessee; Waters W. Herbert, South Carolina; John L. Branch, Georgia; George G. Garner, Georgia; Towson Ellis, Louisiana; Junius A. Law, Alabama; Benjamin Huger, South Carolina; Peyton Randolph, Alabama; L. Quinton Washington, Virginia; John R. Cooke, Missouri; Leroy Napier, jr., South Carolina; Lucius L. Rich, Missouri; John G. Taylor, Kentucky; Henry B. Kelly, Louisiana; F. C. Zacharie, Louisiana; L. G. Hoxton, Tennessee; Charles E. Patterson, Arkansas; Caleb Smith, Virginia; George Jackson, Virginia; F. S. Armistead, Virginia; A. E. Steen, Missouri; O. K. McLemore, Alabama; J. H. Hill, Alabama; W. F. Lee, Virginia; John O. Long, North Carolina; W. Orton Williams, Virginia; Edmond Taylor, Virginia; J. S. Marmaduke, Missouri; Lawrence S. Baker, North Carolina; G. Thomas Getty, Virginia; Walter H. Taylor, Virginia; Dudley M. Du Bose, Georgia; A. S. Cunningham, District of Columbia; Oscar White, Florida; Nathaniel Wickliffe, Kentucky.

*Second lieutenants.*

Edward Powell, Georgia; Harold Borland, Arkansas; W. W. Bickell, Alabama; Richard C. Griffith, Mississippi; W. H. Porter, South Carolina; Charles A. Forsyth, District of Columbia; John Birney, Alabama; Robert W. Atkinson, Georgia; W. G. Archer, Virginia; J. T. M. Barnes, District of Columbia; William T. Withers, Mississippi; Stephen A. Moreno, Florida; Arthur Clayton, Mississippi; Charles M. Hooper, Alabama; John W. Cooper, Alabama; Waller R. Bullock, Kentucky; Jos. A. Alexander, Georgia; T. W. Blount, Texas; Thomas T. Grayson, Mississippi; Isaac Hyams, Louisiana; J. H. Holman, Tennessee; R. H. Riddick, North Carolina; Jesse Sparks, Texas; T. Spaulding McIntosh, Georgia; James Baltzell, Texas; Theodore O. Chestney, District of Columbia; Thomas Madden, Texas; James M. Keeble, Tennessee; H. D. Garden, Texas; George Hampton Smith, Tennessee; John Hemphill Dickens, Texas; Robert W. Keyworth, Texas; William Kemp Tabb, Virginia; Dun-



can C. Haywood, North Carolina; Charles M. Graham, North Carolina; John Lee, Virginia; Charles M. Lumpkin, Georgia; J. Hamilton Worley, South Carolina; Alfred P. Lucas, Georgia; M. M. Lindsey, Mississippi; John S. Lanier, Mississippi; W. H. Harris, Mississippi; Winfield C. Worthington, Mississippi; William E. Deas, Virginia; C. Irvine Walker, South Carolina; Henry S. Foote, jr., Tennessee; Joseph D. Mayers, Mississippi; Henry K. Washburn, Georgia; James G. Cowan, Alabama; Philip B. Spence, Tennessee; Thomas Bush, Alabama; Henry M. Rutledge, South Carolina; George D. Wise, Virginia; William Tyler, Virginia; George S. Lovejoy, North Carolina; George W. McKee, Kentucky; Richard M. Booker, Virginia; Charles S. Bowman, Florida; Olin F. Rice, Kentucky; Charles B. Campbell, Missouri; George A. Thornton, Virginia; Ladislas Wankowicz, Louisiana; John H. Snowden, Maryland; William K. Bradford, Maryland; J. N. Lipcomb, Maryland; William H. Morgan, Virginia; John A. West, Georgia; Ebenezer McE. Ross, Tennessee; William H. Browne, Virginia; John W. Lea, Mississippi; James Dearing, Virginia; E. M. Dabney, Virginia; W. A. Harris, Virginia; W. E. Hill, Virginia; S. P. Kerr, Virginia; E. B. Goode, Virginia; E. G. Mohler, Virginia; B. F. Bishop, Virginia; J. Barroll Washington, Maryland; G. A. Henry, jr., Tennessee; R. A. Chambers, Georgia; Johnson Hagood, Georgia; Charles H. Brown, Maryland; W. V. Taylor, Virginia; H. S. Duval, Florida; C. L. Jackson, Mississippi; Horace D. Twyman, Virginia; John D. Payne, Virginia; Jos. M. Mason, jr., Virginia; Lawrence Lewis Butler, Louisiana; W. W. Revely, Virginia; L. M. Butler, Florida; S. F. Adams, Kentucky; Thomas K. Fauntleroy, Virginia.

## MILITARY STOREKEEPERS.

*With the pay of captain.*

C. G. Wagner, South Carolina; F. C. Humphreys, Georgia; J. E. P. Dangerfield, Arkansas; W. S. Downer, Virginia.

*With the pay of first lieutenant.*

W. N. Smith, District of Columbia; Richard Lambert, Louisiana.

## CADETS.

George W. Clayton, North Carolina; William R. Jones, Virginia; George L. Gillespie, Tennessee; Thomas Rowland, Virginia; Richard M. Nelson, North Carolina; William E. Gibson, Virginia; Leonce N. Olivier, Louisiana; Colin McR. Weatherly, North Carolina; John Taliaferro, Virginia; William Lewis, Mississippi; Burdett A. Terrett, Virginia; Robert F. Dancy, Florida; Frederick Stafford, Alabama; René T. Beauregard, Louisiana; Edward Dargan, Alabama; Henry Jackson, Georgia; G. D. Lamar, Georgia; William A. Obenchain, Virginia; Richard H. Christian, Virginia; Edward T. Freeman, Virginia; P. P. Dandridge, Virginia; William G. Waller, Virginia; Thomas Harrison, Mississippi; A. B. Magruder, Virginia; Joseph Johnson, Alabama; John M. McNab, Alabama; Lewis M. Gamble, Florida.

On motion of Mr. Crawford, the nominations were referred to the Committee on Military Affairs.

Mr. Waul moved to print the lists of nominations; and the vote thereon having been taken, resulted, viz:

Yea: Florida, Tennessee, Texas, and Virginia, 4.

Nay: Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, 6.

Divided: Arkansas, 1.

So the motion was lost.

On motion of Mr. Perkins, the Secretary of Congress was instructed to make out a list of appointments for each State, respectively, and present to the delegation from each State the list of appointments from said State.

On motion of Mr. Crawford,

Congress resumed legislative session.

## THIRTY-FOURTH DAY—WEDNESDAY, AUGUST 28, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Bishop Early.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session, resumed the consideration of the unfinished business of the morning hour of yesterday; which was the consideration of the amendment offered to the bill by Mr. Chilton, to establish certain post routes therein named, the amendment being as follows, to wit: To insert after the word "Georgia" the following words, to wit:

Also, that a post route be established from Calhoun, on the Alabama and Florida Railroad, in the county of Lowndes, in the State of Alabama, to Benton, in said county, through Mount Willing and Gordonsville. Also, a post route from Clarkesville, in Mecklenburg County, Virginia, to Brownsville, in the State of North Carolina; and also from Mullins, in Alabama, to Lime Kiln, via Campbells Home; and also, a post route from Louisville, in the county of Winston, to Vaiden, in the county of Carroll, in the State of Mississippi.

The amendment was agreed to.

Mr. Chilton moved further to amend by adding the following words, to wit:

Also, from Morganton, in Burke County, North Carolina, to Johnson's Depot, in Tennessee; and also, from Wilmington, North Carolina, to Wadesboro, via Wilmington, Charlotte and Rutherford Railroad.

The amendment was agreed to.

Mr. Thomason moved to amend by adding the following words, to wit: "From Clarksville to Spadra Bluff, in Johnson County, Arkansas."

The amendment was agreed to.

Mr. Avery moved to amend by adding the following words, to wit: "Also, from Jefferson, Ashe County, North Carolina, to Marion, Smyth County, Virginia."

The amendment was agreed to,

And the bill was engrossed as amended, read a third time, and passed.

Mr. Conrad moved to amend the Journal by inserting in the Journal, immediately after the place where the Journal shows Congress to have proceeded to the consideration of the bill providing for the sequestration of the estates and property of alien enemies, the following, to wit:

Mr. Conrad moved to amend by offering as a substitute for the bill, the following, to wit:

"SECTION 1. *The Congress of the Confederate States do enact*, That all property, of every description, belonging, in whole [or in] part, to citizens of the United States that now is or hereafter may be within the limits of the Confederate States, shall be retained in order to constitute a fund to be applied in such manner and on such conditions as Congress may hereafter direct, to the indemnification of such citizens of these States as have sustained or may hereafter sustain loss or damage by depredations or a destruction of their property, or by other lawless acts of the enemy during the existing war.

"SEC. 2. That it shall be the duty of the marshals of the several districts, as soon as practicable after the passage of this act, to make, under the direction of the Secretary of the Treasury, careful and correct lists of all lands, tenements, goods and chattels,

rights and credits, and property of every description whatsoever, so far as they can discover the same, belonging or supposed to belong to citizens of the United States within the limits of such districts, specifying the nature and the estimated value thereof, the names and residences of the owners, or, if a debt or chose in action, of the debtor and creditor thereof; if real estate, the situation and extent thereof, together with such further information as may conduce to a correct understanding and estimate thereof, which lists or estimates shall be transmitted by the said marshals to the Secretary of the Treasury.

"SEC. 3. Until Congress shall otherwise direct, no property of any description in possession or reversion within the limits of these States, belonging to citizens of the United States, shall be sold, transferred, or conveyed, and all sales, transfers, or alienations of such property made subsequently to the passage of this act shall be null and void."

Mr. Atkins called the question: which was seconded, and

Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Nay: Messrs. Johnson and Thomason.

Georgia—Nay: Messrs. Howell Cobb, Foreman, Crawford, Wright, and T. R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi: Yea: Mr. Brooke. Nay: Mr. Harrison.

North Carolina—Nay: Messrs. Davis, Avery, Smith, and Venable.

South Carolina—Nay: Messrs. Chesnut, Miles, and Boyce.

Tennessee—Yea: Mr. Currin. Nay: Messrs. Atkins, Caruthers, De Witt, House, and Thomas.

Texas—Nay: Messrs. Waul and Gregg.

Virginia—Yea: Mr. Scott. Nay: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Mason, Brockenbrough, Johnston, and Staples.

Yea: Louisiana, 1.

Nay: Alabama, Arkansas, Georgia, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 8.

Divided: Mississippi, 1.

Mr. Thomason offered the following resolution and moved its adoption, to wit:

*Resolved*, That the Committee on Indian Affairs be instructed to inquire whether any, and if so what, treaties have been made with any of the Indian tribes, and if so, with which of them; and whether any, and if so what, legislation is necessary in consequence thereof; and that they have leave to report at such time and in such manner as to them shall seem proper.

The resolution was read and not agreed to.

Mr. Morton introduced

A bill to be entitled "An act to give aid to the State of Florida:" which was read first and second times and, on his own motion, was laid on the table.

Mr. T. R. R. Cobb introduced and asked the passage of

A bill to authorize the appointment of an additional number of cadets in the Army of the Confederate States; which was read first and second times and, on motion of Mr. Curry, was referred to the Committee on Military Affairs.

Mr. Venable offered the following resolution; which was read and referred to the Committee on Military Affairs, to wit:

Whereas under the authority of some of the States drillmasters were attached to various regiments; and



Whereas such officers are not recognized by the laws of the Confederate States and consequently were not mustered into service; and

Whereas several of such drillmasters have nevertheless continued to do effective service voluntarily with their respective regiments: Therefore,

*Resolved*, That such drillmasters be granted an honorable discharge whenever they shall apply therefor.

Mr. Rhett offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the injunction of secrecy be removed from the resolutions adopted by this House relative to the alleged hanging of South Carolina captives and other cruelties of the United States authorities, with the answer of the Executive thereto.

Mr. Hemphill offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Doorkeeper be authorized to purchase stationery for the use of Congress, and that the sum of two hundred dollars from the contingent fund of Congress be appropriated for that purpose.

Mr. Mason moved that Congress take up for consideration a bill on the Calendar entitled

An act to prohibit the exportation by sea of any article being the produce of the Confederate States during the period therein mentioned.

And the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Alabama, Arkansas, Florida, Tennessee, and Virginia, 5.

Nay: Georgia, North Carolina, South Carolina, and Texas, 4.

Divided: Louisiana and Mississippi, 2.

So the motion was not agreed to.

Mr. Seddon moved to take up for consideration a bill on the Calendar entitled

An act to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them.

The motion was not agreed to.

Mr. Brockenbrough, from the Committee on the Judiciary, reported and recommended the passage of

A bill to authorize the appointment of special marshals, and for other purposes;

which was read first and second times.

Mr. Foreman moved to strike out all of the bill after the first section; which is as follows, to wit:

SEC. 2. *Be it further enacted*, That power is hereby vested in the President of the Confederate States, upon the certificate of a judge of the Confederate States showing the necessity of such measure, to organize a volunteer police force, in such number as he shall deem necessary, to aid such court or judge in the due execution of the authority conferred by the preceding section, and to provide for the use of such force whensoever the court or judge may require it, or the same may be called upon by an officer or other person acting under the authority of such court or judge; and the compensation of such volunteer police for services rendered in any such case shall be provided for by an allowance of the said court or judge entered of record: *Provided*, That this act shall not supersede any law authorizing, in such cases, the use of the military force of the Confederate States, or of the militia, or the right to call for the posse comitatus under any law now in force: *Provided also*, That the compensation allowed to such volunteer police force shall not exceed two dollars per diem each, while actually employed in the performance of the duties hereby prescribed, and mileage at the rate of five cents per mile for the distance actually traveled over the usual route.

The motion was not agreed to, and the bill was engrossed, read third time, and passed.



Mr. Barnwell, from the Committee on Finance, to whom was referred

A bill to be entitled "An act to admit certain articles free of duty during the war;" and also

A bill entitled "An act to establish a bureau in connection with the Treasury Department, to be called the Bureau of Produce Loan, and to provide for so disposing of the cotton crop of the Confederate States as shall best conduce to the public defense during the war," reported the same back, that the committee deemed legislation on the subject inexpedient, asked to be discharged from their further consideration, and that the bills lie on the table; which was agreed to.

Mr. Miles, from the Committee on Military Affairs, reported and recommended the passage of

A bill to authorize the President to inflict retaliation upon the persons of prisoners;

which was read first and second times and, on motion of Mr. Conrad, was placed on the Calendar and ordered to be printed.

Mr. Miles, from the same committee, to whom was referred

A resolution of inquiry relative to the establishment of movable hospitals, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Chilton moved to take up for consideration a bill on the Calendar

To collect for distribution the moneys remaining in the several post-offices of the Confederate States at the time the postal service was taken in charge by said Government.

The motion was agreed to, and Congress proceeded to the consideration of the bill.

The second section of the bill being under consideration; which is as follows, to wit:

SEC. 2. The moneys so received shall be kept separate and distinct from the other funds of the Post-Office Department, and shall constitute a fund for the liquidation of claims for postal service which accrued before the first day of June, eighteen hundred and sixty-one, as may hereafter be provided.

The committee moved to amend by striking out the word "liquidation" and inserting in lieu thereof the words "pro rata payment."

The amendment was agreed to, and the section as amended reads as follows, to wit:

SEC. 2. The moneys so received shall be kept separate and distinct from the other funds of the Post-Office Department, and shall constitute a fund for the pro rata payment of claims for postal service which accrued before the Postmaster-General took charge of the postal service in the States respectively composing this Confederacy, as may hereafter be provided.

The third section being under consideration, the committee moved to amend by inserting after the word "States" the following, to wit:

and they shall also state, on oath, whether they performed fully the service according to their contracts or appointments during the time for which they claim pay, and if not, what partial service they did perform, and what deductions have been made from their pay, so far as they know, on account of any failure, or partial failure, to perform such service.

The amendment was agreed to, and the section as amended reads as follows, to wit:

SEC. 3. It shall be the duty of the Postmaster-General to make proclamation that all persons who are citizens of the Confederate States of America, and who may have rendered postal service in any of the States of this Confederacy, under contracts or appointments, made by the United States Government before the Confederate States Government took charge of such service, shall present their claims to his Department, verified and established according to such rules as he shall prescribe, by a time therein to be set forth not less than six months, and requiring the claimant to state, under oath, how much has been paid to him and the date of such payments, on account of the contract or appointment under which said claim occurred, and what fund or provision has been set apart or made for the further payment of the whole or any portion of the balance of such claim, by the Government of the United States, or of any of the States; and they shall also state, on oath, whether they performed fully the service according to their contracts or appointments during the time for which they claim pay, and if not, what partial service they did perform, and what deductions have been made from their pay, so far as they know, on account of any failure, or partial failure, to perform such service; and the Postmaster-General shall, as soon as he shall have collected such moneys from said postmasters, and ascertained the amount of claims against the Post-Office Department, and the amount received respectively by the claimants as aforesaid, and the provisions, if any, for future payment, make a report of the same, so that future action may be taken thereon as respects the distribution.

And the bill as amended was engrossed, read third time, and passed.

Mr. De Clouet, from the Committee on Accounts, reported and recommended the passage of the following resolution, to wit:

*Resolved*, That the sum of two hundred dollars be paid to R. H. Wynne, the Door-keeper of Congress, as additional compensation, in consequence of the increase of duties devolving upon that officer by the removal of the capital to this city and the increase of members to this body.

Mr. Shorter moved to amend by striking out "two hundred dollars" and inserting in lieu thereof the following words, to wit: "the same mileage as allowed members of Congress."

The amendment was not agreed to.

Mr. Wright moved to amend by inserting after the word "Door-keeper" the words "the Secretary, Assistant Secretary, Journal Clerk, and Messenger, each, out of the contingent fund of Congress."

The amendment was agreed to, and the resolution as amended was agreed to and is as follows, to wit:

*Resolved*, That the sum of two hundred dollars be paid to R. H. Wynne, the Door-keeper, and the Secretary, Assistant Secretary, Journal Clerk, and Messenger of Congress, each, out of the contingent fund of Congress, as additional compensation in consequence of the increase of duties devolving upon those officers by the removal of the capital to this city and the increase of the members of this body.

Mr. Conrad asked to be discharged from the duties of the committee of five to examine into the Quartermaster's, Commissary, and Medical Departments, and report if any change was needed in the laws and regulations relating to said departments.

The discharge was granted, and the Chair appointed in his place Mr. Atkins.

The Chair presented a communication from the Secretary of the Treasury, estimating for the transportation of Treasury notes from the seat of government to the various places at which they are to be disbursed, either by the disbursing officers or by the Department of the Treasury; which was read and referred to the Committee on Finance.

Mr. Hemphill introduced

A bill to make disposition of certain railroad iron;

which was read the first and second times and referred to the Committee on Finance.

Congress proceeded to the consideration of bills on the Calendar, and the first bill in order being

A bill providing penalties for violating the provisions of an act approved May 21, 1861, to authorize certain debtors to pay the amounts due by them into the Treasury of the Confederate States; which was, on motion, laid on the table for the present.

The next bill in order being

A bill to provide for authenticating claims for money against the Confederate States not otherwise provided for.

The same was engrossed, read a third time, and passed.

The next bill in order being

A bill to amend an act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs, approved May 21, 1861.

The same was engrossed, read a third time, and passed.

The next bill in order being

A bill to provide for the defense of the Mississippi River,

And the second section thereof having been read, as follows:

The sum of eight hundred thousand dollars is hereby appropriated for carrying the foregoing provisions into effect.

On motion of Mr. Conrad, the same was stricken out.

The bill as amended was engrossed, read the third time, and passed.

The next bill in order being

A bill to authorize the impressment of property in certain cases,

The first section of the bill authorizing the impressment of property of citizens of the Confederate States, or of the United States, in certain cases, for the public service.

On motion of Mr. Conrad, the words "the public service" were stricken out and the words "military or naval services" were inserted in lieu of the same.

The fourth section, providing that

In case it should appear that the property impressed had been transferred by an alien enemy to a citizen of the Confederate States, such transfer shall be deemed fraudulent and shall have no effect so far as regards the execution of this act, unless it shall be proven to the satisfaction of the President or commanding officer aforesaid to have been made in good faith and for a valuable consideration paid prior to the      day of      , eighteen hundred and sixty-one.

On motion of Mr. Conrad, the same was amended by filling the first blank with the words "twenty-first" and the second with the word "May."

The bill as amended was engrossed, read a third time, and passed.

The next bill in order being

A bill to amend an act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs,

Mr. Brooke moved to amend by striking out all after the enacting clause; which is as follows, viz:

That the Commissioner of Patents shall not be required to appoint examiners of patents, as provided in the second section of the above-recited act, until the condition of the patent fund shall authorize the same, but may, instead thereof, with the approval of the Attorney-General, appoint such assistant examiners as the business of the Patent Office may require, at an annual salary of fifteen hundred dollars.



SEC. 2. *Be it further enacted*, That the Commissioner may, with like approval, appoint a messenger for said office, at an annual salary of three hundred and sixty dollars.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its passage.

And inserting in lieu thereof the following, viz:

That the Commissioner of Patents, with the approval of the Attorney-General, shall have power to appoint, in addition to the examiners of patents provided by the second section of the above-recited act, such assistant examiners, at a salary of fifteen hundred dollars per annum, as may be required to transact the current business of the Patent Office with dispatch.

SEC. 2. *And be it further enacted*, That the Commissioner, with like approval, may appoint a messenger for said office, at a salary of three hundred and sixty dollars per annum.

SEC. 3. *And be it further enacted*, That the Commissioner be, and he is hereby, authorized to require applicants for patents, and all other persons with whom he is obliged to correspond, or to whom drawings and other papers have to be returned for alteration or correction, to deposit a sufficient sum of money to pay the postage: *Provided*, That in no single case shall the deposit so required exceed two dollars.

The amendment was agreed to.

The bill as amended was engrossed, read a third time, and passed.

The next bill in order being

A bill to prohibit the importation of articles the production or manufacture of the United States, or of other nations, into the Confederate States from the United States, and to punish persons offending therein.

The first section of the bill reading as follows, viz:

That from and after the fifteenth day of August next, and pending the war now existing between the United States and the Confederate States of America, and until it shall otherwise be provided by law, it shall not be lawful for any person to introduce any articles, goods, wares, or merchandise, the production or manufacture of the United States, or of any other country, into the Confederate States, from any portion of the United States, the following articles only excepted, etc.

Mr. Perkins moved to amend the same by striking out the words "fifteenth day of August" and inserting in lieu thereof the words "first day of September."

The motion was agreed to.

Mr. Reagan moved to amend the same by adding the following proviso, viz:

*And provided further*, That such articles as may be ordered by any of the Departments of Government shall be exempt from the provisions of this act.

Mr. Atkins moved to postpone the bill, in order to move to rescind the resolution requiring Congress to sit until 3.30 p. m.

The motion was lost.

Mr. Chesnut moved to lay the bill and amendment on the table.

Mr. Foreman demanded the question; which was seconded, and the motion was agreed to.

The next bill in order being

A bill to extend the protection of the Confederate States to citizens of other States in certain cases.

The same was, on motion, postponed to third Monday, November next.

The next bill in order being

A bill to prevent invasion, and to retaliate the treatment inflicted upon persons in the service of the Confederate States taken prisoners by the United States,

On motion the same was laid on the table.

On motion of Mr. Miles, the bill authorizing the President to inflict retaliation upon the persons of prisoners was called up.



Mr. Crawford called the question; which was seconded; and the bill was engrossed, read a third time, and passed.

Mr. Curry moved to reconsider the vote by which Congress extended the time of adjournment until Saturday, the 31st of August.

Mr. Hemphill moved to reconsider the vote by which the bill was passed authorizing the President to inflict retaliation on the persons of prisoners.

The motion was not agreed to.

Congress proceeded to the consideration of the next bill on the Calendar; which was a bill from the Judiciary Committee

To perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them.

Mr. Hemphill moved to amend by adding the following as an additional section to the bill, to wit:

The provisions of this act shall not be construed as implying that the Confederate States are, in any way, liable to make compensation for any of the property to which it refers.

The amendment was agreed to.

The first section of the bill being under consideration,

Mr. Curry moved to amend the same by striking out the words "and loss."

Mr. Miles offered the following resolution; which was read and agreed to:

*Resolved*, That the Committee on Flag and Seal be instructed to inquire into the expediency of so changing the Confederate flag as to make it more distinctive and more distinguished from the flag of the United States.

On motion of Mr. Waul,

Congress then adjourned until 10 o'clock to-morrow morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Crawford, from the Committee on Commercial Affairs, to whom was referred the nomination of Henry F. Hancock, to be collector of the port of Washington, N. C., reported the same back and recommended that Congress advise and consent to the nomination.

The report was agreed to, and Congress advised and consented to the nomination.

Mr. Miles, from the Committee on Military Affairs, to whom was referred, on the 1st instant, the communication of the President transmitting a list of nominations for appointments in the Provisional Army of the Confederate States, reported the same back and recommended that Congress advise and consent to the nominations.

The report was agreed to, and Congress advised and consented to the nominations.

The Chair presented to Congress a communication from the President, transmitting the following nominations for appointments in the Provisional Army of the Confederate States, viz:

#### EIGHTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John A. Winston, Alabama.

*Lieutenant-colonel.*

John W. Frazer, Alabama.

*Major.*

Thomas E. Irby, Alabama.

## NINTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Cadmus M. Wilcox, Tennessee.

*Lieutenant-colonel.*

Samuel Henry, Alabama.

*Major.*

Edward A. O'Neal, Alabama.

## TENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John H. Forney, Alabama.

*Lieutenant-colonel.*

James B. Martin, Alabama.

*Major.*

J. J. Woodward, Alabama.

## ELEVENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Sydenham Moore, Alabama.

*Lieutenant-colonel.*

Stephen F. Hale, Alabama.

*Major.*

A. Gracie, jr., Alabama.

## TWELFTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

R. T. Jones, Alabama.

*Lieutenant-colonel.*

Theodore O'Hara, Alabama.

*Major.*

Edward D. Tracy, Alabama.

## FOURTEENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Thomas J. Judge, Alabama.

*Lieutenant-colonel.*

D. W. Baine, Alabama.

*Major.*

Alfred B. Chapman, Alabama.

## SECOND ARKANSAS REGIMENT, PROVISIONAL ARMY.

*Colonel.*

T. C. Hindman, Arkansas.

*Lieutenant-colonel.*

J. W. Bocage, Arkansas.

*Major.*

Harold Borland, Arkansas.

## THIRD ARKANSAS REGIMENT, PROVISIONAL ARMY.

*Colonel.*

A. Rust, Arkansas.

*Lieutenant-colonel.*

Seth M. Barton, Arkansas.

*Major.*

Van H. Manning.

## EIGHTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

W. M. Gardner, to take rank July 21, 1861, Georgia.

*Lieutenant-colonel.*

Thomas L. Cooper, to take rank July 21, 1861, Georgia.

*Major.*

John F. Cooper, to take rank July 21, 1861, Georgia.

## TENTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Lafayette McLaws, Georgia.

*Lieutenant-colonel.*

Alfred Cumming, Georgia.

*Major.*

John B. Weems, Georgia.

## TWELFTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Edward Johnson, Georgia.

*Lieutenant-colonel.*

Z. T. Conner, Georgia.

*Major.*

Abner Smead, Georgia.

## SIXTEENTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Howell Cobb, Georgia.

*Lieutenant-colonel.*

Goode Bryan, Georgia.

*Major.*

Henry P. Thomas, Georgia.

## FOURTH GEORGIA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

John T. Mercer, Georgia.

*Major.*

J. J. Morrison, Georgia.

## NINETEENTH MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

C. H. Mott, Mississippi.

*Lieutenant-colonel.*

L. Q. C. Lamar, Mississippi.

*Major.*

Benjamin Allston, Mississippi.

## TWENTIETH MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

D. R. Russell, Mississippi.

*Lieutenant-colonel.*

Dabney H. Maury, Virginia.

*Major.*

William N. Brown, Mississippi.

## FIRST MISSISSIPPI BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

W. L. Brandon, Mississippi.

*Major.*

John G. Taylor, Mississippi.

## FIRST MISSOURI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John S. Bowen, Arkansas.

*Lieutenant-colonel.*

L. L. Rich, Arkansas.

*Major.*

C. C. Campbell, Arkansas.

## FIRST MARYLAND REGIMENT, PROVISIONAL ARMY.

*Colonel.*

George H. Steuart, to take rank July 21, 1861, Maryland.

*Lieutenant-colonel.*

Bradley T. Johnson, to take rank July 21, 1861, Maryland.

*Major.*

Edward R. Dorsey, to take rank July 21, 1861, Maryland.

## FORTY-SIXTH VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

J. Lucius Davis, Virginia.

*Lieutenant-colonel.*

John H. Richardson, Virginia.

*Major.*

H. W. Fry, jr., Virginia.

## FORTY-FIFTH VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Henry Heth, Virginia.

*Lieutenant-colonel.*

B. F. Ficklin, Virginia.

*Major.*

H. B. Lyon, Kentucky.

## FIFTIETH VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

A. W. Reynolds, Virginia.

*Lieutenant-colonel.*

W. W. Finney, Virginia.

*Major.*

C. E. Thorburn, Virginia.

## FIFTY-FIRST VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Gabriel C. Wharton, Virginia.

*Lieutenant-colonel.*

James W. Massie, Virginia.

*Major.*

David S. Hounshell, Virginia.



FIRST GEORGIA REGIMENT, PROVISIONAL ARMY

*Lieutenant-colonel.*

William J. Magill, Georgia.

*Major.*

John D. Walker, Georgia.

FIRST VIRGINIA BATTALION, PROVISIONAL ARMY.

*Major.*

John D. Munford, Virginia.

FIFTY-THIRD VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Carter L. Stevenson, Virginia.

*Lieutenant-colonel.*

William E. Starke, Virginia.

REGIMENT CAVALRY, PROVISIONAL ARMY.

*Colonel.*

Angus W. McDonald, Virginia.

*Lieutenant-colonel*

Turner Ashby, Virginia.

*Major.*

Oliver R. Funsten, Virginia.

THIRTEENTH LOUISIANA REGIMENT, PROVISIONAL ARMY

*Colonel.*

V. Sulakowski, Louisiana.

*Major.*

Zebulon York, Louisiana.

HAMPTON LEGION, PROVISIONAL ARMY.

*Colonel.*

Wade Hampton, South Carolina.

GEORGIA LEGION, PROVISIONAL ARMY.

*Colonel.*

Thomas R. R. Cobb, Georgia.

*Lieutenant-colonel.*

Thomas K. Jackson, South Carolina.

*Major.*

Edward F. Bagley, Alabama.

FIRST KENTUCKY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

J. M. Hawes, Kentucky.

*Lieutenant-colonel.*

Thomas H. Tayler, Kentucky.

*Major.*

William Preston Johnston, Kentucky.

SECOND KENTUCKY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

R. W. Hanson, Kentucky.

*Lieutenant-colonel.*

Robert A. Johnston, Kentucky.

*Major.*

James W. Hewitt, Kentucky.

## THIRD KENTUCKY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Lloyd Tilghman, Kentucky.

*Lieutenant-colonel.*

A. P. Thompson, Kentucky.

*Major.*

Benjamin Anderson, Kentucky.

## SIXTH SOUTH CAROLINA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Charles S. Winder, Maryland.

## TWENTIETH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

W. D. Smith, Georgia.

## SECOND TEXAS REGIMENT, PROVISIONAL ARMY.

*Colonel.*

L. T. Wigfall, Texas.

*Lieutenant-colonel.*

Hugh McLeod, Texas.

*Major.*

R. A. Howard, Texas.

## FIRST GEORGIA REGIMENT, PROVISIONAL ARMY.

*Second lieutenants.*

Charles S. Wylly, Georgia; G. Audley Maxwell, Georgia; John S. Bryan, Georgia.

## FIRST ALABAMA BATTALION, PROVISIONAL ARMY.

*Second lieutenants.*

Richard Clarke, Alabama; Robert T. Simpson, Alabama; Huricosco Austill, Alabama; P. L. Hammond, Alabama.

## SOUTH CAROLINA BATTALION ARTILLERY, PROVISIONAL ARMY.

*Second lieutenant.*

James R. Pringle, South Carolina.

## BRIGADE COMMISSARIES.

*Majors.*

Jos. L. Locke, Georgia; William Henry Smith, Virginia; R. J. Moses, Georgia; A. M. Lea, Tennessee; Alden M. Woodruff, Arkansas; Thomas Peters, Tennessee; Andrew J. Vaughn, Tennessee; F. G. Ruffin, Virginia; Theodore Johnson, Arkansas.

## REGIMENTAL COMMISSARIES.

*Captains.*

J. S. Wooster, Louisiana; Henry Christmas, Mississippi; Albertis Wilkins, Arkansas; George H. Shorter, Alabama; J. H. F. Mayo, Virginia; Parker Campbell, Virginia; Andrew J. Morrison, Alabama; John S. Kennedy, Alabama; Arthur C. Beard, Alabama; Benjamin Wyman, Alabama; Charles M. Farley, Alabama; Rich. C. Win-

tersmith, Kentucky; John H. Coleman, Alabama; Wyatt Oates, Arkansas; Selevin B. Malone, Mississippi; Browdie S. Crump, Mississippi; Thomas P. Young, Mississippi; Jesse R. Kirkland, Mississippi; A. Milton Hawken, Mississippi; D. P. McAllum, Mississippi; T. B. Puckett, Mississippi; J. Stodart Byers, Kentucky; Thomas L. Maxwell, Louisiana; Harley C. Cunningham, Georgia; B. P. Noland, Virginia; H. Sidney Hughes, Georgia; J. B. Morgan, Georgia; H. B. T. Montgomery, Georgia; John W. Solomon, Georgia; W. T. Wilson, Georgia; George M. Stubinger, Louisiana; Elias Yulee, Florida; John A. Settle, Texas; Thomas G. Brook, Tennessee; Samuel M. McConnell, Georgia; W. M. Strickland, Mississippi; W. H. Thomas, Virginia; M. M. Copeland, Alabama; T. J. Elford, South Carolina; James W. Wade, Mississippi; F. G. Ragland, Mississippi; W. H. Vasser, Mississippi; Ferdinand Molloy, Mississippi; John E. Bacon, South Carolina; George E. Dennis, Virginia; G. W. Wightman, North Carolina; Alexander C. Jones, Virginia; V. Howard Claiborne, Virginia; Herbert A. Claiborne, Virginia; S. B. French, Virginia; J. H. Claiborne, Virginia; George W. Buckner, Louisiana; George W. T. Kearsley, Virginia; A. Meade Smith, Virginia; Thomas S. Barton, Virginia; Leigh Watkins, Louisiana; H. G. Wilson, Arkansas; Charles A. Snowden, Maryland; John Hockenhull, Georgia; Richard F. Robertson, Alabama; Thomas W. Francis, Alabama; R. A. Reid, Georgia; C. Durfee, Texas; H. C. Guerin, South Carolina; W. P. Stone, Arkansas; Solomon Stephens, Alabama; S. C. Elliott, Virginia; A. F. Robertson, Virginia; James M. Strange, Virginia; W. S. Pemberton, Arkansas; M. L. Woods, Alabama; H. E. C. Baskerville, Virginia; John H. Mangham, Georgia; C. W. Countz, Virginia; George C. Norton, Georgia; Thomas C. Walsh, North Carolina; H. M. Drane, North Carolina; James F. Johnston, North Carolina; James B. Chrisman, Mississippi; John F. Heath, Georgia; Isaac M. Partridge, Mississippi; H. C. Kellogg, Georgia; Frederick B. Hodges, Georgia; George B. Robertson, Georgia; E. A. Palfrey, Louisiana; William A. Daniel, Florida; John G. Edwards, South Carolina; John P. Baldwin, Mississippi; Edmund W. Bayly, Virginia; W. C. King, North Carolina; James M. Morphis, Texas; F. W. Henderson, Virginia; C. S. McKinney, Virginia; Robert Vaughan, Virginia; Fred. E. Bridge, Louisiana; William E. Smead, Tennessee; James H. Pawley, South Carolina; R. O. Barrett, Georgia; James M. Quinlan, Missouri; T. M. Lumpkin, Georgia; Thomas E. Ballard, Virginia; P. A. Peebles, Mississippi; M. N. McNeill, North Carolina; A. A. Hughes, Alabama; Charles H. Rogers, Georgia; John H. McCue, Virginia; T. J. Wortenbaker, Virginia; Hugh Brewster, Georgia; C. B. Welbern, Georgia; J. R. Wike, Georgia; Thomas Cain, North Carolina; James W. Hackett, North Carolina; M. A. Moore, South Carolina; Sanders Glover, South Carolina; George Robertson, Georgia; Thomas Rector, Arkansas; W. W. Morrison, North Carolina; John H. Waytt, North Carolina; James Field, Virginia; James Verney, Alabama; S. B. Wright, Georgia; William Sherwood, Virginia; Robert F. Simon-ton, North Carolina; W. H. Alexander, North Carolina; John A. Williams, North Carolina; Enoch Alldridge, Alabama; George Whitman, Louisiana; A. E. Wilson, Virginia; Lucius Hilliard, North Carolina; John E. Patterson, Virginia; L. F. Lucads, Virginia; Daniel B. Allpot, Georgia; Charles Byrne, Virginia; William H. H. Minge, Louisiana.

## BRIGADE QUARTERMASTERS.

*Majors.*

J. B. Ferguson, jr., Virginia; James H. Trapier, South Carolina; Sumner J. Smith, Georgia; Charles E. Carr, Virginia; W. M. Montgomery, Texas; M. G. Harman, Virginia; L. G. De Russy, Louisiana; John Pope, Arkansas; Isaac B. Dunn, Virginia; A. B. Cooke, Virginia; W. S. Ashe, North Carolina; James Glover, Tennessee; William F. Alexander, Georgia; Daniel F. Cocke, Tennessee; Alfred M. Barbour, Virginia; George V. Hebb, Tennessee; John Goodwin, Virginia; W. A. Broadwell, Louisiana; A. B. Ragan, Georgia; T. F. Fisher, Louisiana; Albert J. Smith, Virginia; T. S. Moise, Louisiana.

## REGIMENTAL QUARTERMASTERS.

*Captains.*

C. D. Clarke; W. H. Govan, Arkansas; Julius A. Robbins, Alabama; Leroy T. Johnson, Alabama; J. W. A. Sanford, Alabama; George W. Jones, Alabama; James D. Webb, Alabama; Edwin H. Harris, Alabama; Theophilus A. Jones, Alabama; John B. Burton, Arkansas; James D. Latimer, Arkansas; Henry T. Hall, Georgia; Alexander Phillips, Georgia; John Gilmer, Georgia; James M. Cole, Georgia; Ro-

N. Ely, Georgia; R. R. Holliday, Georgia; Edmond A. Deslonde, Louisiana; Benjamin Bloomfield, Louisiana; Theodore Johnston, Louisiana; J. G. Kelburn, Louisiana; David C. Labatt, Louisiana; John S. Jones, Mississippi; George Whitfield, Mississippi; William R. Barksdale, Mississippi; James H. Turner, Mississippi; Andrew G. Scott, Mississippi; Jones S. Hamilton, Mississippi; Hannibal Harris, Texas; James W. Custer, Tennessee; M. W. Cluskey, Tennessee; M. B. McMicken, Florida; J. M. Thomson, Mississippi; Rich. H. Gayle, Virginia; C. G. Armstead, Mississippi; Landon W. Oglesby, Tennessee; John E. Garey, Texas; Samuel K. Hays, Kentucky; Alfred Boyd, Kentucky; Thompson Harrison, Louisiana; Grafton D. Spurrier, Maryland; F. D. Cleary, Virginia; W. M. Gray, Virginia; William H. Hickman, Florida; Walter Goodman, Mississippi; Charles C. Hicks, Georgia; B. F. Lovelace, South Carolina; Charles H. Rhodes; J. D. Wright, South Carolina; A. D. Cazaux, North Carolina; W. T. Hardy, Virginia; C. W. Hardy, Virginia; William H. Irwin, Virginia; J. B. McClelland, Virginia; S. H. Boykin, Virginia; J. A. Johnson, Virginia; W. W. Weisiger, Virginia; John Ambler, Virginia; John A. Harman, Virginia; Edward J. Armstrong, Virginia; Thornton P. Pendleton, Virginia; W. B. Cross, Virginia; H. H. Selden, Virginia; W. S. Wood, Virginia; R. P. Archer, Virginia; D. H. Wood, Virginia; Robert C. Woods, Virginia; F. P. Clark, Virginia; George W. Grice, Virginia; James Goodman, Louisiana; James McKay, jr., Florida; John G. Pierce, Alabama; W. H. Harrison, Texas; William McMinn, Alabama; R. G. Echols, Virginia; Chastain White, Virginia; Charles F. West, Virginia; James Anderson, Mississippi; S. M. Yost, Virginia; M. L. Davis, Virginia; J. L. Morgan, Virginia; Thomas K. Heard, Louisiana; John D. Holloway, Arkansas; Edward Phillips, Louisiana; W. L. Robinson, Louisiana; J. F. Whitfield, Mississippi; R. B. Winder, Virginia; W. F. Haines, Missouri; W. D. Schoolfield, Texas; R. G. Banks, Virginia; R. J. Haller, Virginia; Christian H. Suber, South Carolina; John W. Bell, Virginia; F. M. Hardwick, Alabama; Rich. P. Waller, Virginia; David Clopton, Alabama; John R. Cringan, Virginia; James B. Thornton, Tennessee; L. De Laigle, Georgia; Emile Lasere, Louisiana; M. Suratt, Mississippi; W. L. Powell, Virginia; Montilla Clark, Virginia; [H.] Cabiness, North Carolina; John J. Anderson, Tennessee; Edward S. Cheatham, North Carolina; James Byrd, Georgia; John B. Grayson, Virginia; Philip Catching, Mississippi; F. W. Dillard, Georgia; C. S. Hart, Georgia; J. H. Echols, Alabama; George T. McGehee, Mississippi; W. J. Williford, Georgia; W. M. Thomas, Georgia; Charles Morris, Virginia; George A. Barksdale, Virginia; E. M. L. Engle, Florida; J. D. Tolson, Mississippi; C. R. Mason, Virginia; Baylis F. Crayton, South Carolina; John G. Finnie, Tennessee; J. R. Brethwait, Virginia; J. H. Stith, Louisiana; Clement Young, Virginia; H. T. Massingale, Tennessee; Hutson Lee, Virginia; M. H. Crump, North Carolina; John C. McClenahan, South Carolina; D. M. Hood, Georgia; Jacob S. Shriver, Virginia; S. M. Lanier, Georgia; Robert Thomas, Georgia; F. Wadkins, Georgia; Thomas D. Hamilton, Mississippi; B. F. Whitescarver, Virginia; David Butcher, Virginia; W. T. Alston, North Carolina; W. A. Adams, Georgia; G. T. Jones, Virginia; Mitchell Tate, Virginia; John Kirkland, North Carolina; John T. Roberts, Kentucky; Thomas P. McCandish, Virginia; P. M. Doherty, Mississippi; John C. Maynard, Virginia; Benjamin F. Bomar, Georgia; Kensey Johns, Georgia; James A. R. Hanks, Georgia; James Vaughan, Georgia; David Pender, North Carolina; T. J. Woolfolk, Alabama; N. N. Fleming, North Carolina; J. S. Green, South Carolina; Samuel M. Hays, Arkansas; R. G. Rankin, North Carolina; Osborn R. Smith, Georgia; R. H. Taliaferro, Mississippi; J. B. F. Boone, North Carolina; James Houston, Georgia; H. McD. McElrath, Tennessee; H. M. Bell, Virginia; N. E. Scales, North Carolina; Gilbert R. Campbell, Tennessee; Samuel R. Harrison, Louisiana; James J. Litchford, North Carolina; H. K. Daniel, Georgia; Thomas M. Blount, North Carolina; Charles De Reigne, Louisiana; B. P. Baker, North Carolina; Miles Selden, Virginia; R. P. Atkinson, North Carolina; J. S. Powell, Virginia.

On motion of Mr. Miles, Congress advised and consented to the nominations of Louis T. Wigfall, Howell Cobb, Thomas R. R. Cobb, and Stephen F. Hale.

The other nominations were then referred to the Committee on Military Affairs, and the Secretary instructed to furnish members with copies thereof.

Congress resumed legislative session.



## THIRTY-FIFTH DAY—THURSDAY, AUGUST 29, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Bishop Early.

Congress then resolved itself into secret session; and after spending some time therein,

On motion of Mr. Chilton, resumed open session.

Mr. Chilton offered the following resolution; which was unanimously adopted, to wit:

*Resolved unanimously*, That the President of the Confederate States of America is hereby requested to cause to be prepared a stand of colors and sword, to be furnished and paid for out of the fund placed at the disposal of the President by the contribution of the members of this body, to be presented to Colonel Howell Cobb as a testimonial of the high esteem in which his patriotic services are held by the members of the Confederate Congress.

Congress then adjourned until 10 o'clock to-morrow morning.

## SECRET SESSION.

Congress being in secret session, resumed the consideration of the unfinished business of yesterday; which was the consideration of the motion of Mr. Curry to amend the bill to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them, the amendment being to strike out the words "and loss."

Mr. Jones of Alabama moved to lay the bill and amendment on the table, and called the question.

And the question being put,

Shall the call for the question be sustained?

Mr. Atkins demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Johnson and Thomason.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, and Wright.

Louisiana—Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Mr. Harrison. Nay: Mr. Brooke.

North Carolina—Yea: Messrs. Davis, Avery, and Venable.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett and Miles.

Tennessee—Yea: Messrs. Currin and Thomas. Nay: Messrs. Atkins, Caruthers, De Witt, Jones, and House.

Texas—Yea: Mr. Oldham. Nay: Messrs. Hemphill and Waul.

Virginia—Yea: Messrs. Scott, Brockenbrough, Staples, and Walter Preston. Nay: Messrs. Seddon, W. B. Preston, Macfarland, and Johnston.

Yea: Alabama, Arkansas, Georgia, and North Carolina, 4.

Nay: Florida, Louisiana, South Carolina, Tennessee, and Texas, 5.

Divided: Mississippi and Virginia, 2.

So the call for the question was not seconded.

Mr. Jones, by unanimous consent, then withdrew his motion to lay the bill and amendment on the table.

Mr. Memminger called the question, which was upon agreeing to the amendment offered by Mr. Curry; and the call being seconded, the question was put, and the amendment was not agreed to.

Mr. Scott moved to amend as follows, by striking out the words "The affidavit of" and inserting in lieu thereof the words "In all cases," and by striking out the words "be competent evidence to establish such ownership and" and inserting in lieu thereof the words "make affidavit of the."

The amendments were agreed to.

Mr. T. R. R. Cobb moved to amend by inserting after the word "loss" the following words, to wit:

Such affidavit shall not be taken as evidence of the fact of loss unless it shall appear to the satisfaction of the officer taking the same that no other and better evidence can be obtained, which fact shall distinctly appear in the certificate of such officer.

The amendment was agreed to, and the section as amended reads as follows, to wit:

SECTION 1. *The Congress of the Confederate States do enact*, That when any slave or slaves owned by a citizen of the Confederate States, or an inhabitant thereof, shall be, or may have been abducted or harbored by the enemy, or by any person or persons acting under the authority, or color of authority of the United States Government, or engaged in the military or naval service thereof, during the existing war, it shall be lawful for the owner or his attorney to appear before any judge of the Confederate States, or a commissioner of any court thereof, or any notary public, or in case of there being no such officer within the county, city, or corporation, where the proceedings are instituted, before any justice of the peace or alderman, consenting to act in the premises, and adduce proof, oral or written, of the fact of such ownership and abduction or harboring. If the owner of such slave or slaves is laboring under the legal disability of infancy, insanity, or coverture, the evidence tending to establish such ownership, and abduction or harboring, may be adduced by the proper legal representative of the owner. In all cases such owner, attorney, or representative shall make affidavit of the loss. Such affidavit shall not be taken as evidence of the fact of loss unless it shall appear to the satisfaction of the officer taking the same that no other and better evidence can be obtained, which fact shall distinctly appear in the certificate of such officer; and it shall be the duty of the judicial officer taking cognizance of the case, to reduce to writing the oral evidence, and to retain the written evidence in support of the alleged ownership and loss, and within thirty days after the hearing, to transmit the same to the Secretary of State of the Confederate States, to be filed and preserved among the archives of the State Department, accompanied by a certificate from the said judicial officer, authenticating the report so made by him. And the said judicial officer shall also state, in his certificate of authentication, whether in his opinion, the evidence so heard and transmitted is, or is not, entitled to credit. It shall be the duty of the Secretary of State to receive and file in his Department the report so transmitted, and to furnish to the owners, attorney, or representative a duly certified copy thereof, whenever the same shall be demanded.

The bill was engrossed, read third time; and the question being on the passage of the bill,

Mr. Wright, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Mr. Shorter. Nay: Messrs. Smith, Curry, Chilton, McRae, and Jones.

Arkansas—Yea: Messrs. Johnson and Thomason.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Howell Cobb, Foreman, and T. R. R. Cobb. Nay: Mr. Wright.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Mr. Brooke. Nay: Messrs. Orr and Harrison.

North Carolina—Yea: Messrs. Davis and Venable. Nay: Messrs. Avery and Smith.

South Carolina—Yea: Messrs. Rhett, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, and House. Nay: Mr. Thomas.

Texas—Yea: Messrs. Hemphill and Waul. Nay: Mr. Gregg.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Rives, Scott, Brockenbrough, Johnston, Staples, and Walter Preston.

Yea: Arkansas, Florida, Georgia, Louisiana, South Carolina, Tennessee, Texas, and Virginia, 8.

Nay: Alabama and Mississippi, 2.

Divided: North Carolina, 1.

So the bill as amended was passed.

Mr. Wright offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the subject of the violation of the rule of secrecy of Congress be referred to the Committee on Rules, and they be instructed to inquire into and report upon the same, and that the committee have power to send for persons and papers.

Mr. Perkins introduced

A bill in relation to the collection of duties on imports during the existence of the present blockade;

which was read first and second times and, on motion of Mr. Kenner, was placed on the Calendar.

Mr. Kenner, from the Committee on Finance, reported and recommended the passage of

A bill to provide for the transmission of money, bonds, or Treasury notes;

which was read first and second times, engrossed, read third time, and passed.

Mr. Hemphill, from the same committee, reported

A bill to make disposition of certain railroad iron;

which was read first and second times and placed on the Calendar.

Mr. T. R. R. Cobb, from the Committee on Printing, to whom was referred

A resolution of inquiry relative to the expediency of abolishing the Bureau of Public Printing,

reported the same back, that in the opinion of the committee the object could not be attained without detriment to the public, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Gregg, from the Committee on Claims, to whom were referred the memorials and petitions of S. P. Hale and O. Dickey, reported the same back, asked to be discharged from their further consideration, and that they lie on the table; which was agreed to.

Mr. Memminger moved to take up for consideration the report of the Special Committee upon the Removal of the Seat of Government.

The motion was agreed to, and Congress proceeded to the consideration of the report; which was read, when Mr. Memminger offered, from the committee, the following resolutions, to wit:

(1) *Resolved*, That Congress, duly appreciating the liberal and patriotic action of the corporation of Richmond, in its tender of the Executive Mansion and furniture for the use of the President, free of charge, prefer that the rent of said Mansion should be a charge on the General Treasury of the Confederate States, and ratifies the agreement of the committee, to pay the annual interest of the cost, and to return the same in good condition, according to the usual liability in such cases.



(2) *Resolved*, That the agreements made for the lease of Goddin's Hall and the Mechanics Institute Hall, by the committee, are accepted, and that the leases be filed in the Treasury Department.

(3) *Resolved*, That a committee of three be appointed to make proper arrangements for the next meeting of Congress, and that they be authorized to purchase or erect a temporary building for that purpose, at a cost not exceeding forty thousand dollars.

Mr. Memminger moved that a vote be taken on the resolutions seriatim; which was agreed to.

And the question being put upon agreeing to the first resolution, the same was agreed to.

The question being put upon agreeing to the second resolution, the same was agreed to.

The third resolution being under consideration, Mr. Howell Cobb moved that it lie on the table.

The motion was agreed to.

Congress then proceeded to the consideration of a bill on the Calendar entitled

An act to authorize the district courts of the Confederate States to appoint commissioners with power to arrest persons charged with offenses, and for other purposes.

And the first section of the same being under consideration, which relates to the conferring of power upon the district courts to appoint commissioners in their respective districts,

Mr. Orr of Mississippi moved to amend by striking out the following words, to wit: "That the district courts of the Confederate States may appoint commissioners in their respective districts with" and inserting in lieu thereof the following words, to wit: "The commissioners appointed by the district courts of the Confederate States shall have."

The amendment was agreed to, and the bill as amended was engrossed, read third time, and passed.

On motion of Mr. Orr, the title of the bill was changed by striking out the words: "An act to authorize the district courts of the Confederate States to appoint commissioners with power to arrest persons charged with offenses, and for other purposes," and inserting in lieu thereof the following, to wit: "A bill vesting certain powers in the commissioners of the district courts of the Confederate States."

The amendment was agreed to.

Mr. Hemphill moved to take up for consideration a bill on the Calendar entitled

An act to require the receipt by the Postmaster-General of the Confederate States of Treasury notes, in sums of five dollars and upwards, in payment of postage stamps and stamped envelopes.

The motion was agreed to, and Congress proceeded to the consideration of the bill.

And section 1 being under consideration, which authorizes the Postmaster-General to receive in payment of postage Treasury notes, in sums of five dollars and upwards,

Mr. Chilton moved to amend the same by adding the following proviso, to wit:

*Provided*, That the postmasters, respectively, shall account in kind for the postages received by them, under such rules as the Postmaster-General may prescribe.

Mr. Orr called the question; which was seconded; and the question being put, the amendment was not agreed to.



Mr. Hemphill moved to amend by adding as an additional section the following, to wit:

*Be it further enacted*, That the indorsement by a member of Congress of his name on newspapers or other printed matter, sent by him through the mail, shall not by reason of such indorsement subject him to letter or other increase of postage.

Mr. Foreman called the question; which was seconded; and the question being put, the amendment was agreed to.

Mr. Thomason moved to reconsider the vote by which the amendment offered by Mr. Hemphill was agreed to, on which motion Mr. Curry, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, and McRae. Nay: Messrs. Shorter and Jones.

Arkansas—Yea: Messrs. Johnson and Thomason. Nay: Mr. Garland.

Florida—Yea: Mr. Ward. Nay: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, and T. R. R. Cobb.

Louisiana—Yea: Mr. Kenner. Nay: Messrs. Perkins, De Clouet, Conrad, and Sparrow.

Mississippi—Yea: Mr. Harrison. Nay: Messrs. Brooke and Orr.

North Carolina—Yea: Mr. Avery. Nay: Messrs. Davis, Smith, and Venable.

South Carolina—Yea: Messrs. Memminger, Miles, and Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Messrs. Currin and Caruthers. Nay: Messrs. Atkins, De Witt, Jones, and House.

Texas—Yea: Messrs. Reagan and Gregg. Nay: Messrs. Hemphill and Waul.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Hunter, Tyler, Mason, and Brockenbrough. Nay: Messrs. Macfarland, Scott, Staples, and Walter Preston.

Yea: Alabama, Arkansas, Georgia, South Carolina, and Virginia, 5.

Nay: Louisiana, Mississippi, North Carolina, and Tennessee, 4.

Divided: Florida and Texas, 2.

So the motion was not agreed to.

Mr. Avery called the question, which was upon ordering the bill to be engrossed for a third reading; and the call being seconded, the question was put, and the bill was engrossed and read a third time.

The question then recurring on the passage of the bill,

Mr. Reagan, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason and Garland. Nay: Mr. Johnson.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, and T. R. R. Cobb.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Brooke, Orr, and Harrison.

North Carolina—Yea: Messrs. Davis, Avery, Smith, and Venable.

South Carolina—Yea: Messrs. Rhett, Chesnut, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, and House.

Texas—Yea: Mr. Hemphill. Nay: Messrs. Reagan, Waul, and Gregg.

Virginia—Yea: Messrs. W. B. Preston, Tyler, Macfarland, Scott, Staples, and Walter Preston.

Yea: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, 10.

Nay: Texas, 1.

So the bill as amended was passed.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act making further appropriations for the service of the Post-Office Department during the year ending the 18th of February, 1862;

An act to amend an act entitled "An act to create the clerical force of the several [Executive] Departments of the Confederate States of America, and for other purposes," approved March 7, 1861;

An act to authorize the construction of certain gunboats;

An act to fix the fees and costs in admiralty cases; and

An act to authorize the Secretary of the Navy to make certain contracts without advertising for proposals.

Mr. Curry, by unanimous consent, withdrew his motion to reconsider the vote by which Congress extended the time of adjournment until Saturday, 31st of August, 1861.

Mr. Waul moved to suspend, for the balance of the session, the rule adopted by Congress that no motion to adjourn was in order until 3.30 o'clock p. m.

The motion was agreed to.

Congress proceeded to the consideration of the next bill on the Calendar, which was

A bill to be entitled "An act to amend an act entitled 'An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods,' approved May sixth, eighteen hundred and sixty-one, and an act entitled 'An act regulating the sale of prizes and the distribution thereof,' approved May sixteenth, eighteen hundred and sixty-one,"

And section 1 being under consideration,

Mr. Memminger moved to amend the same by adding after the word "thereon" the following words, to wit: "and forward the same immediately to the collector of the nearest port."

The amendment was agreed to, and the section as amended reads as follows, to wit:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the seventh section of the first above-recited act be so amended as to permit and authorize the breaking of bulk and the removal by the captors of the whole or any part of the goods found on board a captured vessel whenever such removal may be necessary for the safe carriage of such vessel into port, and also in all cases where, by grounding or otherwise, the securing of the cargo or any part thereof may require the removal: *Provided*, That the person in command of the vessel making such capture shall, as soon as practicable after landing the cargo or any part thereof, cause an exact inventory of the same to be made by the nearest magistrate, wherein shall be specified each and every article so landed, and the marks, if any, thereon, and forward the same immediately to the collector of the nearest port; the property so

landed shall remain in the custody of such magistrate, and he shall retain possession thereof until the same can be delivered to the marshal; and the court before which such cargo shall be brought, in case the same be condemned, may allow such compensation to the magistrate as to the court may seem just and proper: *And provided further*, That when such removal shall be made for the purpose of lightening over bars and shoals, and the goods removed shall, as soon thereafter as practicable, be restored on board the prize vessel, the same may be carried to port as if no removal had been made, and no delivery, as provided in the preceding clause, to a magistrate shall be required.

The second section being under consideration; which is as follows, to wit:

SEC. 2. That the first section of the last above-recited act be so amended as to allow the judge of a prize court, wherein any condemnation may be had, to order and decree that the said vessel and the cargo, or any part thereof, may, in his discretion, and to enhance the value thereof, be made by the marshal of the adjoining district, and at such place therein as he may designate,

Mr. Memminger moved to amend the same by adding the following proviso, to wit: "*Provided always*, That the duties upon all dutiable goods shall be paid from the proceeds of sale."

The amendment was agreed to, and the section as amended reads as follows, to wit:

SEC. 2. That the first section of the last above-recited act be so amended as to allow the judge of a prize court, wherein any condemnation may be had, to order and decree that the said vessel and the cargo, or any part thereof, may, in his discretion, and to enhance the value thereof, be sold by the marshal of the adjoining district, and at such place therein as he may designate: *Provided always*, That the duties upon all dutiable goods shall be paid from the proceeds of sale.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to audit the accounts of the respective States against the Confederacy;

An act to establish certain post routes therein named;

An act authorizing the President to inflict retaliation upon the persons of prisoners;

An act to provide for the defense of the Mississippi River;

An act to amend an act entitled "An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs," approved May 21, 1861;

An act to authorize the appointment of special marshals, and for other purposes; and

An act to provide a mode of authenticating claims for money against the Confederate States, not otherwise provided for.

Congress, on motion of Mr. Chilton,

Then resolved itself into open session.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented a communication from the President, nominating, for the advice and consent of Congress, the Hon. James M. Mason, of Virginia, to be commissioner to England, and the Hon. John Slidell, of Louisiana, to be commissioner to France.

On motion, Congress advised and consented to the nominations.

Congress resumed legislative session.



## THIRTY-SIXTH DAY—FRIDAY, AUGUST 30, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment.

The Chair then addressed the Congress as follows, to wit:

GENTLEMEN OF CONGRESS: Allow me to interrupt for a single moment the usual course of business. If, gentlemen, you could see the response my heart has already made to the resolution you were pleased to adopt during my absence from the Chamber yesterday, I should remain silent this morning, for words can not express the feelings which this renewed evidence of your kindness and confidence has excited. Since the first hours of our meeting to the present moment, approaching the closing hours of this session, I have received from you such repeated marks of your friendly regard as your presiding officer ever received from his associates. Be assured, gentlemen, they will be borne in grateful remembrance, and in the new field to which I have been called, not by taste or ambition but by the stern requirements of duty, they will greatly strengthen my heart and, I trust, under the protecting guidance of a kind Providence, nerve my arm to the discharge of the humble part which I may be summoned to perform. In the sincerity of my heart I believe that man was never engaged in a more just and holy cause than the one which has called our people to the defense of their homes, their families, and their firesides. And that the Supreme Ruler of the earth will continue to manifest His favor toward us, hitherto so remarkable, I go forward with this full conviction to the discharge of a solemn and imperative duty. Accept, gentlemen, my sincere thanks, and permit me to add in behalf of the brave and true men under my command, in whose hands your banner will be placed, that I feel authorized to say you will never have cause to regret the confidence you have shown in their valor and patriotism.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. Brooke moved to reconsider the vote on the passage of

A bill to amend an act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs, approved May 21, 1861.

The motion was agreed to, and Congress proceeded to the consideration of the bill.

And the fourth section of the same being under consideration, which relates to the fees of the Commissioner of Patents,

Mr. Brooke moved to amend the same by inserting after the word "payment" the following words, to wit: "of ten dollars and."

The amendment was agreed to, and the bill as amended was read third time and passed.

Mr. Morton moved to take up for consideration a bill on the Calendar entitled

An act to give aid to the State of Florida.

The motion was agreed to, and Congress proceeded to the consideration of the bill.

Mr. Kenner moved to amend the same by striking out the word "five," where it occurs in the bill, and inserting in lieu thereof the word "three."

The amendment was agreed to, and the bill was engrossed, and read a third time; and the question being on its passage, Mr. Johnson of Arkansas, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Shorter. Nay: Messrs. Curry, McRae, and Jones.



Arkansas—Nay: Messrs. Johnson and Garland.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Howell Cobb and T. R. R. Cobb. Nay: Mr. Crawford.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, and Sparrow. Nay: Mr. Perkins.

Mississippi—Nay: Messrs. Orr and Harrison.

North Carolina—Yea: Messrs. Davis and Venable. Nay: Mr. Avery.

South Carolina—Yea: Messrs. Rhett, Chesnut, Miles, and Boyce. Nay: Mr. Memminger.

Tennessee—Nay: Messrs. Atkins, Caruthers, and Thomas.

Texas—Nay: Messrs. Hemphill, Waul, Gregg, and Oldham.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Scott, Mason, Johnston, Staples, and Walter Preston.

Yea: Florida, Georgia, Louisiana, North Carolina, South Carolina, and Virginia, 6.

Nay: Alabama, Arkansas, Mississippi, Tennessee, and Texas, 5.

So the bill as amended was passed.

Mr. Morton moved to change the title of the bill by striking out the words "give aid to" and inserting in lieu thereof the word "reimburse."

The motion was agreed to, and the title of the bill reads as follows, to wit:

A bill to reimburse the State of Florida.

Mr. Memminger, by unanimous consent, moved to reconsider the vote on the passage and engrossment of a bill relative to the entry and discharge of vessels.

The motion was agreed to, and Congress proceeded to the consideration of the bill; when Mr. Memminger moved to amend the same by inserting before the word "blockade," where it occurs in the bill, the words "present attempt to" and immediately after the word "blockade" the words "our coast."

The amendment was agreed to, and the bill as amended was read third time and passed.

Mr. Venable offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Patents be instructed to inquire whether any and what legislation is necessary in reference to the registration of deeds of transfer and sale of patents by patentors by bona fide purchasers thereof prior to the adoption of the Provisional Government by the Confederate States.

Mr. Jones of Alabama presented the memorial of A. C. Matthews; which was referred to the Committee on Claims, without being read.

Mr. Miles moved to suspend the call of the States, for the purpose of making reports from the Committee on Military Affairs.

The motion was agreed to.

And Mr. Miles, from the Committee on Military Affairs, reported and recommended the passage of

A bill to aid the people of Kentucky in repelling an invasion or occupation of their soil by the armed forces of the United States.

The bill having been read first and second times, Mr. Thomason called the question, which was upon ordering the bill to be engrossed for a third reading; which was seconded; and the question being put, the bill was engrossed, read third time, and passed.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to collect for distribution the moneys remaining in the several post-offices of the Confederate States at the time the postal service was taken in charge by said Government;

An act to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them; and

An act for the sequestration of the estates, property, and effects of alien enemies, and for the indemnity of citizens of the Confederate States and persons aiding the same in the existing war with the United States.

Mr. Sparrow moved that the President be requested to return to Congress the resolutions passed directing the Secretary of War to furnish the troops in the field with bread and fresh provisions.

Mr. William Ballard Preston, from the Committee on Military Affairs, reported and recommended the passage of

A bill to authorize the appointment from civil life of persons to the staffs of generals.

The bill was read first and second times, engrossed, read third time, and passed.

Mr. Seddon presented the petition of T. T. Cropper and others; which was referred to the Committee on Naval Affairs, without being read.

Mr. Miles, from the Committee on Military Affairs, reported and recommended the passage of

A bill providing for the appointment of adjutants of regiments and legions, of the grade of subaltern, in addition to the subalterns attached to companies.

The bill was read first and second times, engrossed, read third time, and passed.

Mr. Miles, from the same committee, reported and recommended the passage of

A bill to allow rations to chaplains in the Army.

The bill was read first and second times, engrossed, read third time, and passed.

Mr. Miles, from the same committee, reported back and recommended the passage of

A bill to authorize the appointment of an additional number of cadets in the Army of the Confederate States.

Mr. Perkins moved to amend by adding the following proviso, to wit: "*Provided*, [That] the appointments shall be confined to the citizens of the Confederate States."

And called the question; which was seconded; when Mr. Crawford, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Shorter, and Jones.

Arkansas—Yea: Messrs. Thomason and Garland.

Florida—Yea: Mr. Ward.

Georgia—Yea: Messrs. Foreman and Crawford. Nay: Messrs. Howell Cobb and T. R. Cobb.

Louisiana—Yea: Messrs. Perkins, De Clouet, and Kenner. Nay: Mr. Sparrow.

Mississippi—Yea: Messrs. Orr and Harrison. Nay: Mr. Brooke.

North Carolina—Yea: Messrs. Davis, Smith, and Venable. Nay: Mr. Avery.

South Carolina—Yea: Mr. Chesnut. Nay: Messrs. Rhett, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Curry, Caruthers, De Witt, Jones, and Thomas. Nay: Mr. Atkins.

Texas—Yea: Messrs. Reagan, Hemphill, Waul, and Gregg.

Virginia—Yea: Mr. Macfarland. Nay: Messrs. Seddon, W. B. Preston, Tyler, Scott, and Mason.

Yea: Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, Tennessee, and Texas, 8.

Nay: South Carolina and Virginia, 2.

Divided: Georgia, 1.

Mr. Memminger moved to reconsider the vote by which the amendment of Mr. Perkins was adopted; and the vote having been taken thereon by States, resulted as follows, to wit:

Yea: Georgia, South Carolina, Tennessee, and Virginia, 4.

Nay: Alabama, Arkansas, Florida, Louisiana, Mississippi, and Texas, 6.

Divided: North Carolina, 1.

So the motion was not agreed to.

Mr. Howell Cobb, Mr. Chesnut being in the chair, moved to lay the bill on the table, and called the question; which was seconded; and the question being put, the amendment was agreed to, and the bill was laid on the table.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act making appropriation for the purchase of a steamer and certain military supplies;

An act to authorize the establishment of recruiting stations for volunteers from the States of Kentucky, Missouri, Maryland, and Delaware;

An act to establish certain post routes therein named;

An act to audit the accounts of the respective States against the Confederacy;

An act to amend the second section of an act concerning the transportation of soldiers and allowance for clothing of volunteers, and amendatory of the act for the establishment and organization of the Army of the Confederate States;

An act authorizing the President to inflict retaliation upon the persons of prisoners;

An act to provide for the defense of the Mississippi River;

An act to amend an act entitled "An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs," approved May 21, 1861; and

An act to provide a mode of authenticating claims for money against the Confederate States, not otherwise provided for.

Mr. Shorter, from the Committee on Engrossment and Enrollment, reported as correctly engrossed and enrolled the following bills:

An act to authorize the impressment of property in certain cases;

An act to require the receipt by the postmasters of the Confederate States of Treasury notes, in sums of five dollars and upwards, in payment of postage stamps or stamped envelopes;

An act to provide for the transmission of money, bonds, or Treasury notes;

An act to amend an act entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods," approved May 6, 1861, and an act entitled "An act regulating the sale of prizes and the distribution thereof," approved May 16, 1861;

An act vesting certain powers in the commissioners of the district courts of the Confederate States; and

An act to aid the people of Kentucky in repelling an invasion or occupation of their soil by the armed forces of the United States.

Mr. Miles, from the Committee on Military Affairs, to whom was referred a resolution of inquiry as to what arrangements had been made by the War Department for the reception and forwarding of clothes, etc., for the soldiers, reported same back, asked to be discharged from its further consideration, and that the resolution lie on the table.

Mr. Atkins called the question, which was upon agreeing to the report of the committee; which was seconded; and the question being put, the report was agreed to.

Mr. McRae introduced

A bill providing for the reception and forwarding of articles sent to the Army by private contribution.

The bill was read first and second times, engrossed, read third time, and passed.

The Chair presented a communication from the President, inclosing an estimate from the Postmaster-General for temporary clerks; which was read and referred to the Committee on Postal Affairs.

Also, an estimate from the Secretary of the Navy for the purchase of copper; which was read and referred to the Committee on Naval Affairs.

Mr. Atkins moved that Congress take a recess until 8 o'clock p. m.

Mr. Sparrow moved that Congress do now adjourn, and Mr. Johnson of Arkansas demanded that the yeas and nays of the whole [body] be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Curry, McRae, and Shorter.

Arkansas—Nay: Messrs. Johnson and Thomason.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Nay: Messrs. Foreman and T. R. R. Cobb.

Louisiana—Yea: Messrs. Kenner and Sparrow. Nay: Messrs. Perkins, De Clouet, and Conrad.

Mississippi—Nay: Messrs. Brooke, Orr, and Harrison.

North Carolina—Nay: Messrs. Smith and Venable.

South Carolina—Yea: Mr. Rhett. Nay: Mr. Miles.

Tennessee—Nay: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, and House.

Texas—Yea: Messrs. Hemphill and Waul. Nay: Mr. Reagan.

Virginia—Nay: Messrs. W. B. Preston and Scott.

Yea: Florida and Texas, 2.

Nay: Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, and Virginia, 8.

Divided: South Carolina, 1.

So the motion was not agreed to.

The question then recurred upon Mr. Atkins' motion to take a recess until 8 o'clock p. m.; and the question being put, the motion was agreed to, and Congress took a recess until 8 o'clock p. m.



S O'CLOCK P. M.

Mr. Miles, from the Committee on Military Affairs, to whom was referred a resolution of inquiry as to the expediency of adopting for the Army a portable breastwork, reported same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Miles, from the same committee, reported back a bill to exempt from arrest certain persons in the service of the Confederate States, that in the opinion of the committee it was inexpedient to legislate on that subject, asked to be discharged from its further consideration, and that the bill lie on the table; and a vote having been taken thereon by States, resulted as follows, to wit:

Yea: Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Virginia, 6.

Nay: Alabama, Florida, North Carolina, Tennessee, and Texas, 5.

So the report of the committee was agreed to.

Mr. Hemphill moved to suspend the call of the States, for the purpose of introducing a bill.

The motion was agreed to.

And Mr. Hemphill introduced

A bill to exempt from arrest on civil process certain persons in the service of the Confederate States;

which was read first and second times.

Mr. Harrison moved to postpone the further consideration of the bill, and that it take its place on the Calendar.

Mr. Atkins called the question; which was seconded; and the question being put, the motion was agreed to, and the bill was placed on the Calendar.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them;

An act to aid the people of Kentucky in repelling an invasion or occupation of their soil by the armed forces of the United States;

An act to collect for distribution the moneys remaining in the several post-offices of the Confederate States at the time the postal service was taken in charge by said Government;

An act vesting certain powers in the commissioners of the district courts of the Confederate States;

An act to provide for the transmission of money, bonds, or Treasury notes; and

An act to amend an act entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize goods," approved May 6, 1861, and an act entitled "An act regulating the sale of prizes and the distribution thereof," approved May 16, 1861.

The President, in compliance with the request of the Congress, has returned the resolutions to provide troops in the field with bread and fresh provisions.

The Chair presented a communication from the President; which was read, as follows, to wit:

EXECUTIVE DEPARTMENT,  
*Richmond, August 30, 1861.*

Hon. HOWELL COBB,  
*President of the Congress.*

SIR: The Congress having passed an act to aid the people of Kentucky in repelling an invasion or occupation of their soil by the armed forces of the United States, I would recommend that an appropriation of \$1,000,000 be made for the purpose of carrying into effect the object of said act.

JEFFERSON DAVIS.

Mr. Venable gave notice that he should on to-morrow move to extend the time appointed for the adjournment of Congress.

Mr. Smith of Alabama moved to suspend the call of the committees for reports, for the purpose of introducing a bill.

The motion was agreed to, and Mr. Smith of Alabama introduced

A bill providing for drawing jurors in cases of treason;  
which was read first and second times.

Mr. Johnson called the question, which was on ordering the bill to be engrossed for a third reading; and the question being put,

Shall the call for the question be sustained?

The same was not seconded.

Mr. Miles moved to postpone the further consideration of the bill, and that it take its place on the Calendar.

Mr. Foreman called the question; and the call being seconded, the question was put, and the motion was not agreed to.

Mr. Memminger called the question, which was upon ordering the bill to be engrossed for a third reading; and the question being put, the bill was engrossed and read a third time, and the question recurring on the passage of the bill, Mr. T. R. R. Cobb, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Johnson and Thomason.

Florida—Nay: Mr. Morton.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Howell Cobb, Crawford, and T. R. R. Cobb.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, and Kenner. Nay: Mr. Sparrow.

Mississippi—Yea: Messrs. Brooke, Orr, Barry, and Harrison.

North Carolina—Yea: Messrs. Davis, Avery, Smith, and Venable.

South Carolina—Yea: Messrs. Rhett and Memminger. Nay: Messrs. Miles and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, House, and Thomas.

Texas—Yea: Messrs. Reagan, Waul, and Gregg. Nay: Mr. Hemphill.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Macfarland, Scott, Brockenbrough, Johnston, and Walter Preston. Nay: Messrs. Hunter and Mason.

Yea: Alabama, Arkansas, Louisiana, Mississippi, North Carolina, Tennessee, Texas, and Virginia, 8.

Nay: Florida and Georgia, 2.

Divided: South Carolina, 1.

So the bill was passed.

Mr. Smith of Alabama moved to change the title of the bill by striking out the words "cases of treason" and inserting in lieu thereof "criminal cases."

The motion was agreed to.

Mr. Miles, from the Committee on Military Affairs, reported and recommended the passage of

A bill making appropriation to aid the people of Kentucky; which was read first and second times, engrossed, read third time, and passed.

Mr. Miles, from the same committee, to whom was referred a resolution providing for the discharge of drillmasters voluntarily serving in the Army of the Confederate States, reported the same back, with the recommendation that it be adopted; which was agreed to, and the resolution as adopted is as follows:

Whereas under the authority of some of the States drillmasters were attached to various regiments; and

Whereas such officers are not recognized by the laws of the Confederate States and consequently were not mustered into service; and

Whereas several of such drillmasters have nevertheless continued to do effective service voluntarily with their respective regiments: Therefore,

*Resolved*, That such drillmasters be granted an honorable discharge whenever they shall apply therefor.

Mr. Atkins introduced

A bill fixing the rank and pay of adjutants of regiments; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Venable introduced

A bill authorizing the sale of the steamer North Carolina; which was read first and second times.

Mr. Rhett called the question, which was upon ordering the bill to be engrossed for a third reading; and the question being seconded, was put, and the bill was engrossed and read a third time.

Mr. Waul moved that Congress do now adjourn.

The motion was not agreed to.

The question then recurring on the passage of the bill, Mr. Avery called the question; which was seconded, and

Mr. Waul, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, and Shorter. Nay: Messrs. McRae and Jones.

Arkansas—Yea: Messrs. Johnson and Thomason.

Florida—Yea: Mr. Morton.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Crawford and T. R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet and Kenner. Nay: Messrs. Conrad and Sparrow.

Mississippi—Yea: Messrs. Brooke and Harrison.

North Carolina—Yea: Messrs. Davis, Avery, and Venable. Nay: Mr. Smith.

South Carolina—Yea: Messrs. Rhett, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, Caruthers, and Thomas. Nay: Messrs. De Witt and Jones.

Texas—Yea: Messrs. Reagan, Hemphill, and Gregg. Nay: Mr. Waul.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Scott, Mason, Johnston, and Walter Preston. Nay: Messrs. Macfarland and Brockenbrough.

Yea: Alabama, Arkansas, Florida, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 8.

Nay: Georgia and Mississippi, 2.

Divided: Louisiana, 1.

So the bill was passed.

Mr. Miles presented the memorial of certain medical officers; which was referred to the Committee on Military Affairs, without being read.

Mr. Curry moved that when Congress adjourns it adjourn to meet at 11 o'clock a. m. to-morrow.

The motion was agreed to.

And on motion of Mr. Kenner,

Congress then adjourned until 11 o'clock a. m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented to Congress a communication from the President, transmitting, for advice and consent, the following nominations for postmasters:

J. D. Mann, Aberdeen, Miss.; S. H. Lamb, Clarksville, Tenn.; Jacob Isaacs, Columbus, Miss.; John B. Root, Galveston, Tex.; R. H. Glass, Lynchburg, Va.; Washington Poe, Macon, Ga.; William F. Groves, Marietta, Ga.; E. S. Candler, Milledgeville, Ga.;

which were referred to the Committee on Postal Affairs.

Congress resumed legislative session.

### THIRTY-SEVENTH DAY—SATURDAY, AUGUST 31, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Doll.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Orr, from Mississippi, moved to take up from the Calendar a resolution removing the injunction of secrecy from the appointment of a committee of one from each State to inquire of the commercial and financial independence of the Confederate States.

The resolution was taken up, read, and agreed to.

Mr. Craige offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President of the Confederate States be requested to communicate to this House all the information he has in relation to the landing of Federal troops upon the coast of North Carolina, and what steps, if any, have been taken to repel the invasion and to put the coast in a state of defense.

Mr. Rhett moved to take up for consideration a bill on the Calendar, to establish the rates of postage on newspapers and periodicals,



sent to dealers therein, through the mails or by express over post-roads.

Congress proceeded to the consideration of the bill, and section 2 being read, which relates to the carriage of newspapers outside the mails, the Committee on Postal Affairs moved to amend the same by striking out "and for express companies," and also to strike out the word "package" and insert in lieu thereof the word "paper," and also to strike out the words "stating the number of such papers and periodicals."

The amendments were agreed to.

Section 3 being under consideration, which relates to the penalties for the violation of the act under consideration, the Committee on Postal Affairs moved to amend the same by striking out the words "or express companies."

The amendment was agreed to, and the bill as amended was engrossed, read third time, and passed.

Mr. Miles offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President be, and he is hereby, authorized to communicate copies of an act to aid the people of Kentucky in repelling an invasion or occupation of their soil by the armed forces of the United States, and an act making appropriation to aid the people of Kentucky, etc., to such persons as he may think proper, and to publish such acts whenever he may deem it expedient to do so.

Mr. Miles moved to remove the injunction of secrecy from the resolution appointing a committee of five to examine into and report upon the administration of the Commissary, Quartermaster, and Medical Departments.

Mr. Hemphill offered the following resolution, to wit:

*Resolved*, That there be paid to R. H. Wynne, the Doorkeeper, forty-five and sixty one-hundredths dollars out of the contingent fund of Congress for excess of postage paid by him for the members.

On motion of Mr. Perkins, the resolution was laid on the table.

A communication was read from Mr. Josselyn, Private Secretary of the President, informing Congress that the President on yesterday approved and signed

An act to require the receipt by the postmasters of the Confederate States of Treasury notes, in sums of five dollars and upwards, in payment of postage stamps or stamped envelopes; also

An act to be entitled "An act for the sequestration of the estates, property, and effects of alien enemies, and for the indemnity of citizens of the Confederate States and persons aiding the same in the existing war with the United States."

Mr. Scott asked leave to withdraw from the file the petition of Dr. S. P. Hale.

The leave was granted.

Mr. William Ballard Preston, from the Committee on Military Affairs, to whom was referred the memorial of the auditing board of Virginia, reported the same back, asked to be discharged from its further consideration, and that the memorial lie on the table; which was agreed to.

Mr. Miles, from the Committee on Military Affairs, moved to reconsider the vote upon the engrossment and passage of resolutions to provide troops in the field with bread and fresh provisions.

The motion was agreed to; and

Mr. Miles moved to amend the same by striking out the original resolutions and inserting in lieu of them the following, to wit:

Resolutions to provide troops in the field with bread and fresh provisions.

*Resolved by the Congress of the Confederate States*, That the Secretary of War be, and he is hereby, directed to furnish to such of our troops in the field as desire it, upon requisition made, and whenever practicable, in lieu of the usual ration of flour an equivalent of well-baked bread; and to this end he is authorized to establish bakeries in such numbers and at such points as may be necessary, or to make contracts for the supply of such bread.

*Resolved*, That a daily ration of fresh vegetables be furnished to all troops whenever the same can be provided at reasonable cost and charges to the Government;

which was read first and second times.

Mr. Conrad called the question, which was upon agreeing to substitute as an amendment; and the call being seconded, the question was put, and the amendment was agreed to.

The question then recurred upon adopting the substitute in lieu of the original resolutions; and the question being put, the same was adopted and were engrossed, read third time, and passed.

Mr. Venable moved to take up for consideration the resolution offered by him to extend the time for the adjournment of Congress.

Mr. Curry called the question.

The call was not seconded.

Mr. Foreman called the question; which was seconded, and the motion was agreed to, and Congress proceeded to the consideration of the resolution; which is as follows, to wit:

*Resolved*, That the order fixing Saturday, the thirty-first instant, as the day of adjournment be rescinded, and that Saturday, the seventh instant [proximo], be fixed as the day of adjournment.

Mr. Kenner called the question, which was upon agreeing to the resolution; and the call being seconded, Mr. Venable moved to reconsider the vote by which the call for the question was seconded.

The motion was agreed to.

Mr. Venable moved to amend the resolution by striking out "Saturday, the thirty-first instant," and inserting in lieu thereof "Monday, the second instant [proximo]."

The amendment was agreed to.

Mr. Venable called the question, which was upon agreeing to the resolution; when Mr. Curry, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Shorter. Nay: Messrs. Smith, Curry, McRae, and Jones.

Arkansas—Nay: Messrs. Thomason and Garland.

Florida—Yea: Mr. Morton.

Georgia—Nay: Mr. Foreman.

Louisiana—Yea: Messrs. Perkins and Conrad. Nay: Messrs. De Clouet, Kenner, and Sparrow.

Mississippi—Yea: Mr. Barry. Nay: Messrs. Brooke and Harrison.

North Carolina—Yea: Messrs. Smith and Venable. Nay: Mr. Avery.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Memminger and Boyce.

Tennessee—Yea: Mr. Atkins. Nay: Messrs. Currin, Caruthers, De Witt, Jones, House, and Thomas.

Texas—Yea: Messrs. Hemphill and Waul. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Hunter, Scott, Johnston, and Walter Preston. Nay: Mr. Rives.

Yea: Florida, North Carolina, Texas, and Virginia, 4.

Nay: Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee, 7.

So the resolution was not agreed to.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to reimburse the State of Florida;

An act to allow rations to chaplains in the Army;

An act providing for the reception and forwarding of articles sent to the Army by private contribution;

An act providing for the appointment of adjutants of regiments and legions, of the grade of subaltern, in addition to the subalterns attached to companies;

An act to authorize the appointment from civil life of persons to the staffs of generals;

An act to amend an act entitled "An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs," approved May 21, 1861;

An act making an additional appropriation for the payment of clerks and a messenger for the Post-Office Department, and to authorize the Postmaster-General to appoint an additional messenger for the Post-Office Department;

An act making appropriation to aid the people of Kentucky;

An act providing for drawing jurors in criminal cases;

An act authorizing the sale of the steamer North Carolina; and

A resolution in relation to drillmasters appointed by States.

Mr. Conrad, from the Committee on Naval Affairs, to whom was referred the memorial of Thomas M. Newell, late a captain in the United States Navy, reported the same back, asked to be discharged from its further consideration, and that the memorial lie on the table.

Mr. Foreman moved to amend the report of the committee by substituting therefor the following, to wit:

*Be it resolved by the Confederate Congress,* That the President be requested to place Captain Thomas M. Newell, who resigned from the United States Navy upon the secession of the State of Georgia, and had been placed upon the best or honorable list by the board, having been retired, not for demerit, but honorably on account of his age, upon the same footing in the Confederate Navy that he held in the United States Navy.

Mr. Conrad moved to postpone the further consideration of the report and substitute until November next.

The motion was agreed to, and the report and substitute were laid on the table.

Mr. Conrad, from the Committee on Naval Affairs, reported and recommended the passage of a bill entitled

An act to amend an act relating to the prepayment of postage in certain cases;

which was read first and second times and, on motion, the further consideration of the bill was postponed until November next.

Mr. Conrad, from the same committee, reported and recommended the passage of

A bill to provide an adequate supply of copper for naval purposes; which was read first and second times.

Mr. Curry moved to amend the bill by inserting after the word "mine" the words "or mines."

The amendment was agreed to.

Mr. Kenner called the question, which was upon ordering the bill to be engrossed for a third reading; and the call for the question being seconded, Mr. Perkins, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Smith. Nay: Messrs. Curry, McRae, Shorter, and Jones.

Arkansas—Yea: Messrs. Johnson and Thomason. Nay: Mr. Garland.

Florida—Yea: Mr. Morton.

Georgia—Nay: Messrs. Crawford and T. R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Mr. Perkins.

Mississippi—Nay: Messrs. Barry and Harrison.

South Carolina—Yea: Messrs. Chesnut and Boyce. Nay: Messrs. Rhett, Memminger, and Miles.

Tennessee—Yea: Messrs. Currin, Caruthers, De Witt, and Jones. Nay: Messrs. Atkins, House, and Thomas.

Texas—Yea: Messrs. Hemphill and Waul. Nay: Mr. Reagan.

Virginia—Yea: Messrs. Macfarland and Rives. Nay: Messrs. Seddon, W. B. Preston, Hunter, Scott, and Brockenbrough.

Yea: Arkansas, Florida, Louisiana, Tennessee, and Texas, 5.

Nay: Alabama, Georgia, Mississippi, South Carolina, and Virginia, 5.

So the House refused to consent to the engrossment of the bill.

Mr. Miles moved to take up for consideration a bill on the Calendar,

To authorize the President to continue the appointments made by him in the military and naval service during the recess of Congress, or the present session, and to submit them to Congress at its next session.

The motion was agreed to, and the bill was taken up, engrossed, read a third time, and passed.

Mr. Conrad, from the special committee of five appointed to inquire into the supply of powder and small arms, made a report; which was received and, on motion of Mr. Avery, was laid on the table.

Mr. Curry, from the Committee on Postal Affairs, reported and recommended the passage of

A bill making an additional appropriation for the payment of clerks and a messenger for the Post-Office Department, and to authorize the Postmaster-General to appoint an additional messenger for the Post-Office Department.

The bill was read first and second times, engrossed, read third time, and passed.

Mr. Curry, from the Committee on Rules, reported the following resolution; which was read and agreed to, to wit:

*Resolved*, That the proceedings of the Congress in secret session shall be held, and considered to be, in confidence, until the injunction of secrecy has been duly removed by the consent of the Congress, upon motion made for that purpose.



Mr. Avery called for the consideration of his motion to reconsider the vote on the engrossment and passage of

A bill to authorize the appointment of supernumerary lieutenants in the Provisional Army.

The motion was agreed to, and the vote was reconsidered, when Mr. Avery offered as a substitute for the original bill

A bill to authorize the appointment of drillmasters, with the rank of second lieutenant, in the Provisional Army.

The substitute was agreed to, read first and second times, engrossed, read third time, and passed.

Mr. Miles moved to take up for consideration

A bill on the Calendar entitled "An act explanatory of an act amendatory of an act for the organization of the staff departments of the Army, and an act for the establishment and organization of the Army of the Confederate States of America, approved March fourteenth, eighteen hundred and sixty-one."

The motion was agreed to, and the bill was taken up, and, on motion of Mr. William Ballard Preston, the further consideration of the same was postponed until November next.

The Chair presented a communication from the President, in reply to a resolution of inquiry from the Congress, inclosing telegraphic dispatches from General Gatlin, of North Carolina, relative to the taking of Fort Hatteras, in that State.

On motion of Mr. Curry,

Congress then took a recess until 8 o'clock p. m.

#### 8 O'CLOCK P. M.

Mr. De Clouet, from the Committee on Accounts, reported a resolution in regard to certain moneys of the Congress; which was read first and second times, engrossed, read third time, and passed.

Also, a resolution in respect to the accounts of Congress; which was read first and second times, engrossed, read third time, and passed.

Mr. Macfarland, from the special committee of one from each State, appointed to inquire into and report upon the condition of the hospitals for the sick and wounded soldiers, reported as follows, to wit:

That the committee instructed to inquire into the condition and management of the army hospitals in this city respectfully report that they proceeded, without delay, to visit many of the hospitals, wherein were confined the sick and wounded of our Army, and sought interviews with the surgeons having them under their charge, with a view to discover if the comfort of the sufferers were duly considered, and the care and treatment observed calculated to restore their health.

They had also in view to make known the sensibility of Congress and the country to secure for the wounded and sick soldiers the best medical attendance and the amplest provision for their wants.

They have the satisfaction to report that the hospitals visited by them are under the direction of skillful surgeons, attended by nurses, male and female, in a neat condition for the most part, some of them in excellent order and supplied with proper bedding and other necessities. Many ladies who have been alike compassionate in their efforts to minister to the necessities of the suffering soldiers are worthy of the most thankful acknowledgment.

Their delicacy might be offended by directing public attention to them, and therefore, your committee content themselves with stating that they are of the different religious denominations among us.

It is due also to the city of Richmond to state that the citizens have been liberal and considerate in their contributions, as well as in their kindness and civilities, evincing a generous solicitude to welcome as friends all those of the Army by whom their sympathy in misfortune would be accepted.

It does not seem to the committee that any special legislation is now necessary, and they ask to be discharged.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the appointment of drillmasters, with the rank of second lieutenant, in the Provisional Army.

Resolutions to provide troops in the field with bread and fresh provisions; and

An act to establish the rates of postage on newspapers and periodicals, sent to dealers therein, through the mails or by express over post-roads.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to authorize the appointment from civil life of persons to the staffs of generals;

An act providing for the appointment of adjutants of regiments and legions, of the grade of subaltern, in addition to the subalterns attached to companies;

An act providing for the reception and forwarding of articles sent to the Army by private contribution;

An act to allow rations to chaplains in the Army;

An act making appropriation to aid the people of Kentucky;

A resolution in relation to drillmasters appointed by States; and

An act making an additional appropriation for the payment of clerks and a messenger for the Post-Office Department, and to authorize the Postmaster-General to appoint an additional messenger for the Post-Office Department.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

Resolutions in relation to the accounts of the Congress; and

Resolutions in regard to certain moneys of the Congress.

Mr. Brooke offered the following resolutions; which were read first and second times, to wit:

*Resolved*, That the Secretary of the Treasury be authorized and required to pay to Madison McAfee, quartermaster-general of the State of Mississippi, that portion of the accounts of said State against the Confederate States now audited and allowed by the proper accounting officers on the authority presented by said McAfee, attested by W. H. Brown, adjutant and inspector general of said State, by order of the governor thereof.

*Resolved further*, That the Secretary of the Treasury be authorized and required to pay to said McAfee the further sum of ten thousand dollars, to be applied to the wants of the sick and wounded soldiers of said State and for the use of hospitals for said soldiers, to be expended under his, the said McAfee's, directions; the said sum to be charged to said State, or that portion of her accounts against the Confederate States yet to be audited and allowed: *Provided*, [That] the assent of the military board of said State be first had and obtained.

Mr. Miles called the question, which was upon ordering the resolutions to be engrossed for a third reading; and the call being seconded, Mr. Brooke, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, McRae, Shorter, and Jones.

Arkansas—Nay: Messrs. Johnson and Thomason.

Georgia—Nay: Messrs. Howell Cobb, Foreman, and Crawford.

Louisiana—Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Brooke, Orr, and Barry. Nay: Mr. Harrison.

North Carolina—Nay: Messrs. Avery, Smith, and Venable.

South Carolina—Nay: Messrs. Rhett, Miles, and Boyce.

Tennessee—Nay: Messrs. Atkins, Currin, Caruthers, De Witt, Jones, House, and Thomas.

Texas—Nay: Messrs. Reagan, Hemphill, Waul, and Oldham.

Virginia—Yea: Messrs. Macfarland, Johnston, and Walter Preston. Nay: Messrs. W. B. Preston, Hunter, Scott, and Brockenbrough.

Yea: Mississippi, 1.

Nay: Alabama, Arkansas, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 9.

So the House refused to consent to the engrossment of the resolutions.

Mr. McRae offered the following resolution; which was read and, on motion of Mr. Avery, was laid on the table.

*Resolved*, That the President be requested to cause a rigid inquiry to be made into the organization of the Army, for the purpose of ascertaining whether the various regiments, battalions, and companies have the organization required by law, and, where they are found to be incomplete or otherwise irregular, he is hereby authorized and required to consolidate or divide the same, as the case may be, so as to make their organization conform to the act of the sixth of March, eighteen hundred and sixty-one.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to establish the rates of postage on newspapers and periodicals, sent to dealers therein, through the mails or by express over post-roads;

Resolutions in regard to certain moneys of the Congress;

Resolutions to provide troops in the field with bread and fresh provisions;

Resolutions in respect to the accounts of the Congress; and

An act to reimburse the State of Florida.

Mr. Curry offered the following resolution, to wit:

*Resolved*, That a committee be appointed to wait upon the President and inform him that Congress is now ready to adjourn, unless he has further communication to make to the body.

Mr. Conrad moved to lay the resolution on the table, and called the question; which was seconded; and a vote having been taken thereon by States, resulted as follows, to wit:

Yea: Florida, Louisiana, Texas, and Virginia, 4.

Nay: Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, 7.

So the motion was not agreed to.

The question then recurred upon agreeing to the resolution; and the question being put, the resolution was agreed to, and the Chair announced the following as the committee:

Messrs. Curry of Alabama, Crawford of Georgia, and Currin of Tennessee.

Mr. Kenner moved that the injunction of secrecy be removed from the report of Mr. Macfarland on hospitals and the same be published.

The motion was agreed to.

Mr. Miles offered the following resolution; which was read and agreed to:

*Resolved*, That the injunction of secrecy be removed as to all acts and resolutions of a public nature passed and approved at the present session, except such as may have the injunction upon them in whole or in part.

Mr. Curry, from the committee of three appointed to wait on the President and to inform him that Congress was ready to adjourn if he had no further communications to lay before it, reported that the committee had discharged that duty: That the President had expressed himself highly gratified at the extent of the confidence reposed in him by the Congress, and the prompt and efficient aid afforded to him in the administration of the Government, and that he had no further communication to make which would require further legislation for the present by the Congress.

Mr. Crawford moved that Congress do now adjourn.

The motion was agreed to, and the Chair declared the Congress adjourned until the third Monday in November next.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented a communication from the President, withdrawing the nomination of Thomas K. Jackson, to be lieutenant-colonel in the Georgia Legion, and nominating for said appointment Richard B. Garnett, of Virginia.

Congress advised and consented to the nomination.

The Chair presented also a communication from the President, making the following nominations of generals in the Army of the Confederate States, to take rank as follows, viz:

Samuel Cooper, to date from 16th May, 1861; Albert S. Johnston, to date from 30th May, 1861; Robert E. Lee, to date from 14th June, 1861; Joseph E. Johnston, to date from 4th July, 1861; G. T. Beauregard, to date from 21st July, 1861.

Congress advised and consented to the nominations.

The Chair also laid before Congress a communication from the President, nominating as aids-de-camp to the President, with the rank of colonel of cavalry:

Joseph R. Davis, now lieutenant-colonel of Mississippi Volunteers, and George W. C. Lee, captain of engineers in Confederate States Army.

Congress advised and consented to the nominations.

Congress agreed to the motion of Mr. Curry, to reconsider the vote by which Congress advised and consented to the nomination of J. M. Reid, to be postmaster at New Orleans.

On motion of Mr. Sparrow, said nomination was recommitteed to the Committee on Postal Affairs.

Mr. Curry, from the Committee on Postal Affairs, to which was referred the communication of the President transmitting, on 30th instant, nominations for postmasters, reported the same back and recommended that Congress advise and consent to the nominations, except that of Washington Poe, to be postmaster at Macon, Ga.

The report was agreed to, and the nominations as recommended were advised and consented to.

On motion of Mr. Curry, the nomination of Washington Poe was postponed until next session.

Congress resumed legislative session.



PROVISIONAL CONGRESS  
OF  
THE CONFEDERATE STATES.

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FOURTH SESSION (CALLED), SEPTEMBER 3, 1861.

RICHMOND, VA., Tuesday, September 3, 1861.

OPEN SESSION.

In pursuance of a proclamation of the President, Congress assembled at the Capitol, in the city of Richmond, on Tuesday, the 3d day of September, 1861, and was opened with prayer by the Rev. Mr. Flinn.

Upon a call of the roll a quorum was found to be present, the following gentlemen having answered to their names, viz:

*From the State of—*

ALABAMA .....	John Gill Shorter.
ARKANSAS .....	Robert W. Johnson.
FLORIDA .....	Jackson Morton. George T. Ward.
GEORGIA .....	Howell Cobb. T. R. R. Cobb.
LOUISIANA .....	A. De Clouet.
MISSISSIPPI .....	Wiley P. Harris.
NORTH CAROLINA .....	Burton Craige.
SOUTH CAROLINA .....	W. Porcher Miles.
TENNESSEE .....	John F. House.
TEXAS .....	John H. Reagan. John Hemphill. W. S. Oldham. T. N. Waul.
VIRGINIA .....	J. W. Brockenbrough. R. M. T. Hunter. W. H. Macfarland.

Mr. Miles moved the appointment of a committee of three to wait upon the President of the Confederate States to inform him that Con-

gress had assembled and was ready to receive any communication he might desire to make.

The motion was agreed to, and the Chair appointed the following as the committee:

Messrs. Miles of South Carolina, Hemphill of Texas, and Craige of North Carolina.

Mr. Miles, from the committee appointed to wait upon the President, reported that they had discharged that duty and that the President would communicate with the Congress in writing.

The Chair presented a communication from the President; which was read, and is as follows, to wit:

GENTLEMEN OF CONGRESS: The bill important to the public service, being one to continue in office persons who had been appointed and nominated and whose nominations had not been acted upon, was, I learned after your adjournment on the 31st ultimo, enrolled for my signature, but by some accident was not delivered to me, and thus failed to become a law; wherefore it has become necessary to convene you.

You may either make the provisions contemplated, or, by acting upon the nominations, or otherwise, as in your judgment may seem best, relieve the Government of the embarrassment to which otherwise it must be subjected.

JEFFERSON DAVIS.

Mr. Miles presented

A bill to authorize the President to continue the appointments made by him in the military and naval service during the recesses of Congress, or the last or present session, and to submit them to Congress at its next session;

which was read a first and second time, engrossed, read a third time, and passed.

Mr. Reagan introduced

A bill supplemental to an act to establish the rates of postage on newspapers and periodicals, sent to dealers therein, through the mails or by express over post-roads;

which was read first and second times, engrossed, read third time, and passed.

Mr. Shorter, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the President to continue the appointments made by him in the military and naval service during the recesses of Congress, or the last or present session, and to submit them to Congress at the next session; and

An act supplemental to an act to establish the rates of postage on newspapers and periodicals, sent to dealers therein, through the mails or by express over post-roads.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to authorize the President to continue the appointments made by him in the military and naval service during the recesses of Congress, or the last or present session, and to submit them to Congress at the next session;

Also, an act supplemental to an act to establish the rates of postage on newspapers and periodicals, sent to dealers therein, through the mails or by express over post-roads.

Mr. Waul moved that Congress do now adjourn until the third Monday in November next; which was agreed to, and

The Chair declared the Congress adjourned until the third Monday in November next.

# PROVISIONAL CONGRESS OF THE CONFEDERATE STATES.

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FIFTH SESSION, NOVEMBER 18, 1861, TO FEBRUARY 17, 1862.

FIRST DAY.

RICHMOND, *Monday, November 18, 1861.*

OPEN SESSION.

In pursuance of a notice of adjournment, Congress met at 12 o'clock m. to-day at the Capitol, in the city of Richmond, and was opened with prayer by the Rev. Mr. Flinn.

Upon a call of the roll, the following members answered to their names, respectively:

*From the State of—*

ALABAMA	W. P. Chilton. J. L. M. Curry.
GEORGIA	Howell Cobb.
MISSISSIPPI	W. S. Barry.
NORTH CAROLINA	A. W. Venable.
TENNESSEE	John F. House. Thomas M. Jones. J. D. C. Atkins. William H. De Witt.
VIRGINIA	William Ballard Preston. John Tyler. W. H. Macfarland. William C. Rives. Robert E. Scott. Charles W. Russell. Robert Johnston.

Mr. Venable of North Carolina moved that a committee of three be appointed to wait upon the President to inform him that Congress was in session and ready to receive any communication he might desire to make.

The motion was agreed to, and the Chair announced the following as the committee, viz:

Messrs. Venable of North Carolina, Scott of Virginia, and Barry of Mississippi.

On motion of Mr. Tyler,

Congress then adjourned until 12 m. to-morrow.

## SECOND DAY—TUESDAY, NOVEMBER 19, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Brown.

The following members not present at the opening of the session appeared and answered to their names:

*From the State of—*

LOUISIANA .....	Edward Sparrow.
MISSISSIPPI .....	W. P. Harris. Walker Brooke. J. T. Harrison.
NORTH CAROLINA .....	George Davis.
SOUTH CAROLINA .....	C. G. Memminger.
TENNESSEE .....	James H. Thomas.
TEXAS .....	John H. Reagan.
VIRGINIA .....	James A. Seddon.

Mr. Venable, from the committee appointed to wait upon the President of the Confederate States and to inform him that Congress was in session and was prepared to receive any communication that he might desire to make, reported that they had performed that duty, and that the President stated he would communicate with Congress in writing.

A message was received from the President by the hands of his Private Secretary, Mr. Josselyn; which was read, and is as follows, to wit:

*To the Congress of the Confederate States:*

The few weeks which have elapsed since your adjournment have brought us so near the close of the year that we are now able to sum up its general results. The retrospect is such as should fill the hearts of our people with gratitude to Providence for His kind interposition in their behalf. Abundant yields have rewarded the labor of the agriculturist, whilst the manufacturing industry of the Confederate States was never so prosperous as now. The necessities of the times have called into existence new branches of manufactures, and given a fresh impulse to the activity of those heretofore in operation. The means of the Confederate States for manufacturing the necessities and comforts of life within themselves increase as the conflict continues, and we are gradually becoming independent of the rest of the world for the supply of such military stores and munitions as are indispensable for war.

The operations of the Army, soon to be partially interrupted by the approaching winter, have afforded a protection to the country, and shed a luster upon its arms through the trying vicissitudes of more than one arduous campaign, which entitle our brave volunteers to our praise and our gratitude.

From its commencement up to the present period the war has been enlarging its proportions and expanding its boundaries so as to include new fields. The conflict



now extends from the shores of the Chesapeake to the confines of Missouri and Arizona, yet sudden calls from the remotest points for military aid have been met with promptness enough not only to avert disaster in the face of superior numbers, but also to roll back the tide of invasion from the border.

When the war commenced the enemy were possessed of certain strategic points and strong places within the Confederate States. They greatly exceeded us in numbers, in available resources, and in the supplies necessary for war. Military establishments had been long organized and were complete. The Navy, and for the most part the Army, once common to both, were in their possession. To meet all this we had to create not only an army in the face of war itself, but also the military establishments necessary to equip and place it in the field. It ought indeed to be a subject of gratulation that the spirit of the volunteers and the patriotism of the people have enabled us, under Providence, to grapple successfully with these difficulties. A succession of glorious victories at Bethel, Bull Run, Manassas, Springfield, Lexington, Leesburg, and Belmont has checked the wicked invasion which greed of gain and the unhallowed lust of power brought upon our soil, and has proved that numbers cease to avail when directed against a people fighting for the sacred right of self-government and the privileges of freemen. After more than seven months of war the enemy have not only failed to extend their occupancy of our soil, but new States and Territories have been added to our Confederacy, while, instead of their threatened march of unchecked conquest, they have been driven ~~across~~ <sup>to a point</sup> to assume the defensive; and upon a fair comparison between the two belligerents as to men, military means, and financial condition, the Confederate States are relatively much stronger now than when the struggle commenced.

Since your adjournment the people of Missouri have conducted the war in the face of almost unparalleled difficulties with a spirit and success alike worthy of themselves and of the great cause in which they are struggling. Since that time Kentucky, too, has become the theater of active hostilities. The Federal forces have not only refused to acknowledge her right to be neutral, and have insisted upon making her a party to the war, but have invaded her for the purpose of attacking the Confederate States. Outrages of the most despotic character have been perpetrated upon her people. Some of her most eminent citizens have been seized and borne away to languish in foreign prisons without knowing who were their accusers or the specific charges made against them, while others have been forced to abandon their homes, families, and property, and seek a refuge in distant lands.

Finding that the Confederate States were about to be invaded through Kentucky, and that her people after being deceived into a mistaken security were unarmed and in danger of being subjugated by the Federal forces, our armies were marched into that State to repel the enemy and prevent their occupation of certain strategic points which would have given them great advantages in the contest—a step which was justified not only by the necessities of self-defense on the part of the Confederate States, but also by a desire to aid the people of Kentucky. It was never intended by the Confederate Government to conquer or coerce the people of that State, but, on the contrary, it was declared by our generals that they would withdraw their troops if the Federal Government would do likewise. Proclamation was also made of the desire to respect the neutrality of Kentucky, and the intention to abide by the wishes of her people as soon as they were free to express their opinions.

These declarations were approved by me, and I should regard it as one of the best effects of the march of our troops into Kentucky if it should end in giving to her people liberty of choice and a free opportunity to decide their own destiny according to their own will.

The Army has been chiefly instrumental in prosecuting the great contest in which we are engaged; but the Navy has also been effective in full proportion to its means. The naval officers, deprived to a great extent of an opportunity to make their professional skill available at sea, have served with commendable zeal and gallantry on shore and upon inland waters, further detail of which will be found in the reports of the Secretaries of the Navy and War.

In the transportation of the mails many difficulties have arisen which will be found fully developed in the report of the Postmaster-General. The absorption of the ordinary means of transportation for the movement of troops and military supplies, the insufficiency of the rolling stock of railroads for the accumulation of business resulting both from military operations, and the obstruction of water communication by the presence of the enemy's fleet, the failure and even refusal of contractors to comply with the terms of their agreements, the difficulties inherent in inaugurating so vast and complicated a system as that which requires postal facilities for every town and village in a territory so extended as ours, have all combined to impede the best-directed efforts of the Postmaster-General, whose zeal, industry, and ability have been taxed to the utmost extent. Some of these difficulties can only be

overcome by time and an improved condition of the country upon the restoration of peace, but others may be remedied by legislation, and your attention is invited to the recommendations contained in the report of the head of that Department.

The condition of the Treasury will, doubtless, be a subject of anxious inquiry on your part. I am happy to say that the financial system already adopted has worked well so far, and promises good results for the future. To the extent that Treasury notes may be issued, the Government is enabled to borrow money without interest, and thus facilitate the conduct of the war. This extent is measured by the portion of the field of circulation which these notes can be made to occupy. The proportion of the field thus occupied depends again upon the amount of the debts for which they are receivable, and when dues, not only to the Confederate and State governments, but also to corporations and individuals, are payable in this medium, a large amount of it may be circulated at par. There is every reason to believe that the Confederate Treasury note is fast becoming such a medium. The provision that these notes shall be convertible into Confederate stock, bearing eight per cent interest, at the pleasure of the holder, insures them against a depreciation below the value of that stock, and no considerable fall in that value need be feared so long as the interest shall be punctually paid. The punctual payment of this interest has been secured by the act passed by you at the last session imposing such a rate of taxation as must provide sufficient means for that purpose.

For the successful prosecution of this war it is indispensable that the means of transporting troops and military supplies be furnished, as far as possible, in such manner as not to interrupt the commercial intercourse between our people nor place a check on their productive energies. To this end the means of transportation from one section of our country to the other must be carefully guarded and improved. And this should be the object of anxious care on the part of State and Confederate governments, so far as they may have power over the subject.

We have already two main systems of through transportation from the north to the south—one from Richmond along the seaboard, the other through western Virginia to New Orleans. A third might be secured by completing a link of about forty miles between Danville, in Virginia, and Greensborough, in North Carolina. The construction of this comparatively short line would give us a through route from north to south in the interior of the Confederate States, and give us access to a population and to military resources from which we are now in great measure debarred. We should increase greatly the safety and capacity of our means for transporting men and military supplies. If the construction of this road should, in the judgment of Congress, as it is in mine, be indispensable for the most successful prosecution of the war, the action of the Government will not be restrained by the constitutional objection which would attach to a work for commercial purposes, and attention is invited to the practicability of securing its early completion by giving the needful aid to the company organized for its construction and administration.

If we husband our means and make a judicious use of our resources it would be difficult to fix a limit to the period during which we could conduct a war against the adversary whom we now encounter. The very efforts which he makes to isolate and invade us must exhaust his means whilst they serve to complete the circle and diversify the productions of our industrial system. The reconstruction which he seeks to effect by arms becomes daily more and more palpably impossible. Not only do the causes which induced us to separate still exist in full force, but they have been strengthened, and whatever doubt may have lingered in the minds of any must have been completely dispelled by subsequent events. If, instead of being a dissolution of a league it were indeed a rebellion in which we are engaged, we might find ample vindication for the course we have adopted in the scenes which are now being enacted in the United States. Our people now look with contemptuous astonishment on those with whom they had been so recently associated. They shrink with aversion from the bare idea of renewing such a connection. When they see a President making war without the assent of Congress; when they behold judges threatened because they maintain the writ of habeas corpus, so sacred to freemen; when they see justice and law trampled under the armed heel of military authority, and upright men and innocent women dragged to distant dungeons upon the mere edict of a despot; when they find all this tolerated and applauded by a people who had been in the full enjoyment of freedom but a few months ago, they believe that there must be some radical incompatibility between such a people and themselves. With such a people we may be content to live at peace, but the separation is final, and for the independence we have asserted we will accept no alternative.

The nature of the hostilities which they have waged against us must be characterized as barbarous wherever it is understood. They have bombarded undefended villages without giving notice to women and children to enable them to escape, and

in one instance selected the night as the period when they might surprise them most effectually, whilst asleep and unsuspecting of danger. Arson and rapine, the destruction of private houses and property, and injuries of the most wanton character, even upon noncombatants, have marked their forays along our borders and upon our territory. Although we ought to have been admonished by these things, that they were disposed to make war upon us in the most cruel and relentless spirit, yet we were not prepared to see them fit out a large naval expedition with the confessed purpose not only to pillage but to incite a servile insurrection in our midst.

If they convert their soldiers into incendiaries and robbers, and involve us in a species of war which claims noncombatants, women, and children as its victims, they must expect to be treated as outlaws and enemies of mankind. There are certain rights of humanity which are entitled to respect, even in war, and he who refuses to regard them forfeits his claims, if captured, to be considered as a prisoner of war, but must expect to be dealt with as an offender against all law, human and divine.

But not content with violating our rights under the law of nations at home, they have extended these injuries to us within other jurisdictions. The distinguished gentlemen whom, with your approval at the last session, I commissioned to represent the Confederacy at certain foreign courts, have been recently seized by the captain of a United States ship of war on board a British steamer on their voyage from the neutral Spanish port of Havana to England. The United States have thus claimed a general jurisdiction over the high seas, and entering a British ship, sailing under its country's flag, violated the rights of embassy, for the most part held sacred even amongst barbarians, by seizing our ministers whilst under the protection and within the dominions of a neutral nation. These gentlemen were as much under the jurisdiction of the British Government upon that ship and beneath its flag as if they had been on its soil, and a claim on the part of the United States to seize them in the streets of London would have been as well founded as that to apprehend them where they were taken. Had they been malefactors and citizens even of the United States they could not have been arrested on a British ship or on British soil, unless under the express provisions of a treaty, and according to the forms therein provided for the extradition of criminals.

But rights the most sacred seem to have lost all respect in their eyes. When Mr. Faulkner, a former minister of the United States to France, commissioned before the secession of Virginia, his native State, returned in good faith to Washington to settle his accounts and fulfill all the obligations into which he had entered, he was perfidiously arrested and imprisoned in New York, where he now is. The unsuspecting confidence with which he reported to his Government was abused, and his desire to fulfill his trust to them was used to his injury.

In conducting this war we have sought no aid and proposed no alliances, offensive and defensive, abroad. We have asked for a recognized place in the great family of nations, but in doing so we have demanded nothing for which we did not offer a fair equivalent. The advantages of intercourse are mutual amongst nations, and in seeking to establish diplomatic relations we were only endeavoring to place that intercourse under the regulation of public law. Perhaps we had the right, if we had chosen to exercise it, to ask to know whether the principle that "blockades to be binding must be effectual," so solemnly announced by the great powers of Europe at Paris, is to be generally enforced or applied only to particular parties.

When the Confederate States at your last session became a party to the declaration reaffirming this principle of international law, which has been recognized so long by publicists and governments, we certainly supposed that it was to be universally enforced. The customary law of nations is made up of their practice rather than their declarations; and if such declarations are only to be enforced in particular instances at the pleasure of those who make them, then the commerce of the world so far from being placed under the regulation of a general law, will become subject to the caprice of those who execute or suspend it at will. If such is to be the course of nations in regard to this law, it is plain that it will thus become a rule for the weak and not for the strong.

Feeling that such views must be taken by the neutral nations of the earth, I have caused the evidence to be collected which proves completely the utter inefficiency of the proclaimed blockade of our coast, and shall direct it to be laid before such governments as shall afford us the means of being heard. But although we should be benefited by the enforcement of this law so solemnly declared by the great powers of Europe, we are not dependent on that enforcement for the successful prosecution of the war. As long as hostilities continue, the Confederate States will exhibit a steadily increasing capacity to furnish their troops with food, clothing, and arms. If they should be forced to forego many of the luxuries and some of the comforts of life, they will, at least, have the consolation of knowing that they are



thus daily becoming more and more independent of the rest of the world. If, in this process, labor in the Confederate States should be gradually diverted from those great southern staples which have given life to so much of the commerce of mankind into other channels, so as to make them rival producers instead of profitable customers, they will not be the only or even the chief losers by this change in the direction of their industry. Although it is true that the cotton supply from the Southern States could only be totally cut off by the subversion of our social system; yet it is plain that a long continuance of this blockade might, by a diversion of labor and an investment of capital in other employments, so diminish the supply as to bring ruin upon all those interests of foreign countries which are dependent on that staple. For every laborer who is diverted from the culture of cotton in the South, perhaps four times as many elsewhere, who have found subsistence in the various employments growing out of its use, will be forced also to change their occupation.

While the war which is waged to take from us the right of self-government can never attain that end, it remains to be seen how far it may work a revolution in the industrial system of the world, which may carry suffering to other lands as well as to our own. In the meantime, we shall continue this struggle in humble dependence upon Providence, from whose searching scrutiny we can not conceal the secrets of our hearts, and to whose rule we confidently submit our destinies. For the rest we shall depend upon ourselves. Liberty is always won where there exists the unconquerable will to be free, and we have reason to know the strength that is given by a conscious sense, not only of the magnitude but of the righteousness of our cause.

JEFFERSON DAVIS.

RICHMOND, *November 18, 1861.*

Mr. Venable of North Carolina moved that the message be laid on the table and 5,000 copies of the same be printed for the use of the Congress; which was agreed to.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session.

Mr. Memminger moved that when Congress adjourns it adjourn to meet again at 12 m. on Thursday.

The motion was agreed to; and,

Upon motion of Mr. Curry,

Congress adjourned until 12 m. on Thursday.

### THIRD DAY—THURSDAY, NOVEMBER 21, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Upon motion of Mr. Memminger,

Mr. Boccock was called to the chair.

The following members appeared in their seats and answered to their names, viz:

*From the State of—*

ALABAMA .....	R. W. Walker. R. H. Smith. H. C. Jones.
LOUISIANA .....	D. F. Kenner.
VIRGINIA .....	R. A. Pryor. Thomas S. Boccock.

Congress then resolved itself into secret session.



## SECRET SESSION.

Congress being in secret session,

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

The Chair presented a communication from the President, transmitting to Congress the report and estimates of the Secretary of the Navy; which were read and referred to the Committee on Naval Affairs.

Also, the report and estimates of the Secretary of the Treasury; which were read, referred to the Committee on Finance, and ordered to be printed for the private use of the members.

Mr. Venable offered

A resolution authorizing the Secretary of Congress to appoint an additional secretary; which, upon motion of Mr. Curry, was referred to the Committee on Accounts.

Mr. Memminger offered

A resolution authorizing the Secretary of the Treasury to transfer certain Government funds;

which was read and, on motion, referred to the Committee on Finance.

On motion of Mr. Smith of Alabama,

Congress then adjourned until 12 o'clock to-morrow.

## EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before Congress a communication from the President, nominating, for the advice and consent of Congress, the following names for major-generals and brigadier-generals in the Provisional Army, viz:

*Major-generals.*

Braxton Bragg, of Louisiana, to date from September 12, 1861.  
Earl Van Dorn, of Mississippi, to date from September 19, 1861.  
Gustavus W. Smith, of Kentucky, to date from September 19, 1861.  
T. H. Holmes, of North Carolina, to date from October 7, 1861.  
W. J. Hardee, of Georgia, to date from October 7, 1861.  
Ben. Huger, of South Carolina, to date from October 7, 1861.  
James Longstreet, of South Carolina, to date from October 7, 1861.  
J. B. Magruder, of Virginia, to date from October 7, 1861.  
T. J. Jackson, of Virginia, to date from October 7, 1861.  
Mansfield Lovell, of Tennessee, to date from October 7, 1861.  
E. K. Smith, of Florida, to date from October 11, 1861.  
George B. Crittenden, of Kentucky, to date from November 9, 1861.

*Brigadier-generals.*

M. L. Bonham, of South Carolina, to date from July 14, 1861.  
Jos. R. Anderson, of Virginia, to date from September 3, 1861.  
Simon B. Buckner, of Kentucky, to date from September 14, 1861.  
L. P. Walker, of Alabama, to date from September 17, 1861.  
A. G. Blanchard, of Louisiana, to date from September 21, 1861.  
Gabriel J. Rains, of Kentucky, to date from September 23, 1861.  
J. E. B. Stuart, of Virginia, to date from September 24, 1861.  
Lafayette McLaws, of Georgia, to date from September 25, 1861.  
T. F. Drayton, of South Carolina, to date from September 25, 1861.  
T. C. Hindman, of Arkansas, to date from September 28, 1861.  
A. H. Gladden, of Louisiana, to date from September 30, 1861.  
John P. McCown, of Tennessee, to date from October 12, 1861.

Lloyd Tilghman, of Kentucky, to date from October 18, 1861.  
 N. G. Evans, of South Carolina, to date from October 21, 1861.  
 Cadmus M. Wilcox, of North Carolina, to date from October 21, 1861.  
 Philip St. George Cocke, of Virginia, to date from October 21, 1861.  
 R. E. Rodes, of Alabama, to date from October 21, 1861.  
 Richard Taylor, of Louisiana, to date from October 21, 1861.  
 L. T. Wigfall, of Texas, to date from October 21, 1861.  
 James H. Trapier, of South Carolina, to date from October 21, 1861.  
 Samuel G. French, of Mississippi, to date from October 23, 1861.  
 W. H. Carroll, of Tennessee, to date from October 26, 1861.  
 H. W. Mercer, of Georgia, to date from October 29, 1861.  
 Humphrey Marshall, of Kentucky, to date from October 30, 1861.  
 John C. Breckinridge, of Kentucky, to date from November 2, 1861.  
 Richard Griffith, of Mississippi, to date from November 2, 1861.  
 Alexander P. Stewart, of Tennessee, to date from November 8, 1861.  
 William M. Gardner, of Georgia, to date from November 14, 1861.  
 Richard B. Garnett, of Virginia, to date from November 14, 1861.  
 William Mahone, of Virginia, to date from November 16, 1861.  
 L. O'B. Branch, of North Carolina, to date from November 16, 1861.

On motion of Mr. Sparrow,  
 The same were referred to the Committee on Military Affairs.  
 The Chair also laid before Congress a communication from the President, nominating, for the advice and consent of Congress,

Judah P. Benjamin, of the State of Louisiana, to be Secretary of War; and  
 Thomas Bragg, of North Carolina, to be Attorney-General.

On motion of Mr. Memminger,  
 Congress advised and consented to the nominations.  
 Congress then resumed legislative session.

#### FOURTH DAY—FRIDAY, NOVEMBER 22, 1861.

##### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

The following members appeared and answered to their names, respectively, viz:

<i>From the State of—</i>	
FLORIDA.....	Jackson Morton.
GEORGIA .....	A. H. Stephens.
LOUISIANA .....	C. M. Conrad.
NORTH CAROLINA.....	W. N. H. Smith.
VIRGINIA .....	J. W. Brockenbrough.

Congress then resolved itself into secret session.

##### SECRET SESSION.

Congress being in secret session,

The Chair presented a communication from the Secretary of Congress relative to sale of furniture; which was read and referred to the Committee on Accounts.

Mr. Curry offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of authorizing the officer in command of a company to draw the pay due a deceased soldier of such company; which was read and agreed to.

Mr. Kenner, from the Committee on Finance, to whom was referred a resolution authorizing the Secretary of the Treasury to transfer certain funds, reported the same back, with the recommendation that it pass.

The resolution was engrossed, read a third time, and passed, as follows, to wit:

Resolution authorizing transfer of funds to foreign parts.

*Resolved*, That the Secretary of the Treasury be authorized to transfer and place on deposit, in the hands of any foreign banker, such amount of money, not exceeding two millions of dollars, as the public exigencies may require, and that he be authorized to make the transfer by remittance of bills or shipment of produce, as he may deem most advantageous.

Mr. Venable moved that when Congress do adjourn it adjourn to meet again on Monday next, at 12 m.; which was agreed to.

Mr. Bocoek offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of War be, and he is hereby, authorized to allow the executive of Virginia and the other States of the Confederacy to have access to the files of his Department, with a view to prepare a complete statement of the troops and arms furnished by such States for service in the present war.

Mr. Reagan presented

A bill to organize the Territory of Arizona, and to create the office of surveyor-general therein; which was read first and second times and referred to Committee on Territories.

Also, the credentials of the Delegate-elect from Arizona; which were referred to same committee, without being read.

On motion of Mr. Barry,

Congress then adjourned until 12 m. Monday.

## FIFTH DAY—MONDAY, NOVEMBER 25, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session, the following members appeared and answered to their names, respectively:

*From the State of—*

ALABAMA ..... Hale.

ARKANSAS ..... Johnson.  
Thomason.

FLORIDA ..... Ward.

GEORGIA	Crawford. Hill.
LOUISIANA	Perkins.
MISSISSIPPI	Campbell.
NORTH CAROLINA	Ruffin. Davidson.
SOUTH CAROLINA	Rhett. Miles. Boyce.
VIRGINIA	Staples. Walter Preston.
TENNESSEE	Currin. Caruthers.

Mr. Walker offered

A resolution instructing the Committee on Commerce to inquire whether any legislation is necessary to prevent the shipment of produce to ports or places in the possession of the enemy, and that they report by bill or otherwise;  
which was read and agreed to.

Mr. Smith of Alabama introduced

A resolution instructing the Committee on Military Affairs to inquire into the necessity of further legislation to suppress intemperance in the Army;  
which was read and agreed to.

Mr. Kenner introduced

A bill to amend an act for the sequestration of the estates of alien enemies, etc.;  
which was read first and second times and referred to the Committee on the Judiciary.

Mr. Davis presented the memorial of certain citizens of North Carolina; which was referred to the Committee on the Judiciary, without being read.

Mr. Venable offered

A resolution instructing the Committee on Finance so to amend the act providing for direct taxation as to exempt monied capital from a direct tax;  
which was read and agreed to.

Mr. Rhett offered

A resolution instructing the Military Committee to inquire and report to Congress under what law the appointment of major-generals is made in the Confederate service;  
which was read and agreed to.

Mr. Thomas presented joint resolution of the legislature of Tennessee relative to the exportation of sugar, rice, cotton, etc., to that part of Kentucky now occupied by Confederate troops; which was read and referred to the Committee on Commerce.

Mr. House presented a memorial of certain citizens of Nashville, Tenn.; which was referred to the Committee on the Judiciary, without being read.



Mr. Hemphill introduced

A resolution instructing the Committee on the Military to inquire into the expediency of completing a railroad between Brashear, in Louisiana, and Orange, in Texas;

which was read and agreed to.

Also, a bill supplementary to an act to authorize the issue of Treasury notes; which was read first and second times and referred to Committee on Finance.

Mr. Seddon introduced

A resolution instructing the Committee on Military Affairs to inquire into the expediency of urging upon the people and providing for the destruction of cotton, tobacco, and naval stores upon the approach of the enemy;

which was read and agreed to.

Mr. Sparrow introduced

A resolution referring to the Committee on Military Affairs so much of the President's message as relates to the completion of a railroad from Danville, Va., to Greensborough, N. C.;

which was read and agreed to.

Mr. Staples introduced

A resolution instructing Military Committee to inquire into the expediency of raising the pay of privates in the Army;

which was read and agreed to.

On motion of Mr. Hemphill,

Congress adjourned until 12 m. to-morrow.

## SIXTH DAY—TUESDAY, NOVEMBER 26, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and then resolved itself into secret session.

### SECRET SESSION.

Mr. Smith of Alabama offered

A resolution instructing the Committee on Military Affairs to report a bill or bills for the payment of such bonus for the establishment of manufactories of small arms, of saltpeter, of sulphur, and of gunpowder as will insure the speedy development of the resources of the Confederacy in these several respects.

Mr. Avery moved to amend by inserting after the words "instructed to" the words "inquire into the expediency of and."

The amendment was agreed to; and the question recurring upon agreeing to the resolution as amended, the same was agreed to.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

A resolution authorizing the transfer of funds to foreign parts.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution authorizing the transfer of funds to foreign parts.

Mr. Smith of Alabama offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President be requested to communicate to Congress the reports of all battles not heretofore communicated to Congress or published in full to the country.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Johnson of Arkansas moved to suspend the call of the States in order that Congress might resolve itself into executive session for the purpose of considering the message of the President and accompanying documents.

The motion was agreed to, and Congress resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Ward introduced

A resolution instructing the Committee on Military Affairs to inquire into the expediency of constructing a military road connecting the Savannah and Gulf Railroad of Georgia with the Pensacola and Georgia Railroad in Florida; which was read and agreed to.

Mr. Brooke offered the following resolution:

*Resolved*, That a committee, to consist of one from each State, be appointed to consider and report on the expediency and practicability of the Government making advances in Treasury notes or Confederate bonds on cotton, tobacco, and other produce, subscribed or hereafter to be subscribed, under the provisions of the acts of May \_\_\_\_\_, eighteen hundred and sixty-one, and August nineteenth, eighteen hundred and sixty-one, with leave to report by bill or otherwise.

Mr. Hemphill moved to amend the same by striking out the words "one from each State" and inserting in lieu thereof the words "the Committee on Finance."

The amendment was not agreed to.

Mr. Hill moved to lay the whole subject on the table, and called the question; which was seconded, and Mr. Sparrow, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Nay: Messrs. Johnson and Thomason.

Florida—Nay: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Toombs, Foreman, Crawford, Hill, and Kenan. Nay: Messrs. Wright, T. R. R. Cobb, and Stephens.

Louisiana—Yea: Mr. Kenner. Nay: Messrs. Perkins, Conrad, and Sparrow.

Mississippi—Yea: Mr. Barry. Nay: Messrs. Harris, Brooke, Harrison, and Campbell.

North Carolina—Yea: Messrs. Davis, Avery, Smith, McDowell, Craige, and Davidson. Nay: Messrs. Venable and Morehead.

South Carolina—Yea: Messrs. Rhett, Miles, and Boyce.

Tennessee—Yea: Messrs. Caruthers, De Witt, and Thomas. Nay: Messrs. Atkins, Currin, Jones, and House.

Texas—Yea: Mr. Hemphill.

Virginia—Yea: Messrs. William B. Preston, Macfarland, Russell, and Johnston. Nay: Messrs. Seddon, Tyler, Rives, and Walter Preston.

The following States voted in the affirmative, viz:

Alabama, Georgia, North Carolina, South Carolina, and Texas, 5.

Those in the negative are,

Arkansas, Florida, Louisiana, Mississippi, and Tennessee, 5.

The State of Virginia being divided.

So the motion did not prevail.

Mr. Brooke moved that Congress do now adjourn.

The motion was not agreed to.

Mr. Johnson of Arkansas called the question, which was upon agreeing to the original resolution; and the call being seconded, Mr. Toombs, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Messrs. Johnson and Thomason.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Wright, T. R. Cobb, and Stephens.

Nay: Messrs. Toombs, Foreman, Crawford, Hill, and Kenan.

Louisiana—Yea: Messrs. Perkins, Conrad, and Sparrow. Nay: Mr. Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Harrison, and Campbell. Nay: Mr. Barry.

North Carolina—Yea: Messrs. Venable and Morehead. Nay: Messrs. Davis, Avery, Smith, McDowell, Craige, and Davidson.

South Carolina—Nay: Messrs. Rhett, Miles, and Boyce.

Tennessee—Yea: Messrs. House, Jones, and Currin. Nay: Messrs. Thomas, Caruthers, Atkins, and De Witt.

Texas—Nay: Mr. Hemphill.

Virginia—Yea: Messrs. Seddon, Tyler, and Rives. Nay: Messrs. Russell, Johnston, and Walter Preston.

The following States voted in the affirmative, viz:

Arkansas, Florida, Louisiana, and Mississippi.

Those in the negative are,

Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Texas.

The State of Virginia being divided.

So the resolution was not agreed to.

Mr. Harris moved to reconsider the vote upon agreeing to the original resolution offered by Mr. Brooke, and Mr. Sparrow called the question.

Pending the call for the question,

Congress, on motion of Mr. Conrad,

Adjourned until 12 m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The following message from the President, together with the accompanying documents, was read, viz:

*To the Congress of the Confederate States:*

I transmit to you for your consideration and action two acts passed by the general assembly of Missouri on the 31st of last October, the one entitled "An act declaring the political ties heretofore existing between the State of Missouri and the United

States of America dissolved;" the other entitled "An act ratifying the Constitution of the Provisional Government of the Confederate States of America."

Together with this I send a letter from Governor C. F. Jackson, of Missouri, addressed to myself and dated November 6 [5], 1861.

An act of the Confederate Congress, approved August 20, 1861, in reference to Missouri, provided that when the "Constitution for the Provisional Government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State, and the governor of said State shall transmit to the President of the Confederate States an authentic copy of the proceedings touching said adoption and ratification by said State of said Provisional Constitution, upon the receipt thereof, the President, by proclamation, shall announce the fact." It was also declared by this act, that upon a proclamation thus made the admission of the said State into this Confederacy should be complete "without any further proceedings on the part of Congress."

I am thus empowered to judge as to the authorities in the State of Missouri which are properly and legally constituted to adopt and ratify the Constitution for the Provisional Government of the Confederate States. I am also authorized, without further consultation with Congress, to proclaim the admission of the State. Had the case been thus presented to me during the recess of Congress I should have deemed it my duty to issue the proclamation under this power; but as these acts are transmitted during the session of Congress I feel it to be due to you, in a matter of so much importance as the admission of a new State into the Confederacy, to lay before you the acts to which I have referred, that you may take such action upon them as in your judgment may be necessary and proper.

I also submit to you for consideration and action in relation thereto, a copy of a convention between the Confederate States and the State of Missouri, which was concluded and signed by the commissioners of both parties at the city of Richmond, on the 31st day of October, 1861. .

JEFFERSON DAVIS.

RICHMOND, VA., *November 25, 1861.*

CASSVILLE, BARRY COUNTY, MO.,  
*November 5, 1861.*

His Excellency JEFFERSON DAVIS,  
*President Confederate States of America.*

SIR: I have the honor and the pleasure of transmitting herewith "An act declaring the political ties heretofore existing between the State of Missouri and the United States of America dissolved;" also "An act ratifying the Constitution of the Provisional Government of the Confederate States of America."

These two acts were passed with almost perfect unanimity by the general assembly, and approved by me on the 3d instant, and are believed to be all that is necessary on the part of the State to secure her admission into the Confederate States of America as a member of that Government. If, in the opinion of the Confederate Government, anything further is required on the part of Missouri to complete and perfect her admission, it will be seen by reference to the second section of the act ratifying the Constitution of the Provisional Government that the executive of the State is directed and authorized to perform all other acts which may hereafter become necessary to secure the admission of the State. This clause of the act was inserted, not because the general assembly deemed it at all necessary to secure the admission of the State, but in the abundance of their caution it was considered safest to provide against any and all contingencies that might arise. By some of the members it was thought the Confederate Government might require the act to be ratified by a vote of the people before the admission of the State, and hence the clause was inserted, clothing me with power to have it done in that event.

On this point it is proper that I should state that the act would at once have been submitted to a vote of the people but for the reason that the State is now invaded by the Federal army to such an extent as to preclude the possibility of holding an election at the present time. That the people would ratify the act, if permitted, admits of no doubt. I am sure that more than four-fifths of the people desire an immediate and unconditional connection with the Southern Government, and I pray how soon it may be consummated.

As soon as this may be done, I desire that the Missouri forces shall be recognized at the earliest practicable moment under the Confederate Government, and a general appointed at once to command all the forces that may be ordered to Missouri. Who the man shall be is of no consequence to me. I have full confidence in your good judgment, and doubt not you will give us the best man you can. General Bragg would be very acceptable, but we will all be satisfied with anyone you may



select. You know, better than me, that an army to be successful can have but one head, and that should be a good one. It may possibly be known to you that heretofore there has not been that degree of harmony and concert of action between Generals Price and McCulloch that should exist between officers laboring in a common cause. While this has been the case hitherto, to some extent, I am rejoiced now to be able to say that a restoration of the most amicable relations has been effected, and that they and their armies are now cooperating together in the most harmonious manner, and I trust it will not be many days before they will be able to rout Frémont from this part of Missouri. Their joint force I can not give with exactness, but it is somewhere between 20,000 and 25,000—quite sufficient to meet any force Frémont can bring against them.

As soon as I can with propriety absent myself from the army, I shall endeavor to go to Richmond, where I can more freely communicate with you in reference to the organization of the Missouri forces and the future operations of the army in the State. For further particulars in relation to the movements of the army here, its general condition, arms, etc., etc., etc., I refer you to Captain Myerson, the bearer of this letter. He is a reliable gentleman and a good officer.

I have the honor to remain, very respectfully, your obedient servant,

C. F. JACKSON.

An act declaring the political ties heretofore existing between the State of Missouri and the United States of America dissolved.

Whereas the Government of the United States, in the possession and under the control of a sectional party, has wantonly violated the compact originally made between said Government and the State of Missouri, by invading with hostile armies the soil of the State, attacking and making prisoners the militia while legally assembled under the State laws, forcibly occupying the State capitol, and attempting through the instrumentality of domestic traitors to usurp the State government, seizing and destroying private property, and murdering with fiendish malignity peaceable citizens, men, women, and children, together with other acts of atrocity, indicating a deep-settled hostility toward the people of Missouri and their institutions; and

Whereas the present Administration of the Government of the United States has utterly ignored the Constitution, subverted the Government as constructed and intended by its makers, and established a despotic and arbitrary power instead thereof: Now, therefore,

*Be it enacted by the general assembly of the State of Missouri,* That all political ties of every character now existing between the Government of the United States of America and the people and government of the State of Missouri are hereby dissolved, and the State of Missouri, resuming the sovereignty granted by compact to the said United States upon the admission of said State into the Federal Union, does again take its place as a free and independent republic amongst the nations of the earth.

This act to take effect and be in force from and after its passage.

Approved, October 31, 1861.

I hereby certify the above and foregoing to be a full, true, and perfect copy of the original roll. In testimony whereof I have hereto set my hand and the great seal of the State of Missouri, this 2d day of November, 1861.

[SEAL.]

B. F. MASSEY, *Secretary of State.*

An act ratifying the Constitution of the Provisional Government of the Confederate States of America.

Whereas the Congress of the Confederate States of America have, by an act entitled "An act to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes," enacted that "the State of Missouri shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same, upon condition that the said Constitution for the Provisional Government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State:" Now, therefore,

*Be it enacted by the general assembly of the State of Missouri, as follows:*

SECTION 1. The general assembly of the State of Missouri, for and in behalf of the people thereof, do hereby accept the provisions of an act of the Congress of the Confederate States of America, as set forth in the preamble to this act, the State of Missouri hereby adopting and ratifying the Constitution for the Provisional Government of the Confederate States of America as a member of said Confederacy upon an equal footing with the other States under said Constitution.

SEC. 2. His Excellency C. F. Jackson, governor of this State, is hereby directed and authorized to transmit to the President of said Confederate States of America an authentic copy of this act in pursuance of section two of the act of said Congress above referred to, and to perform all other acts which may hereafter become necessary to secure the admission of the State of Missouri as a member of the said Confederacy.

This act shall be in force from and after its passage.

Approved, October 31, 1861.

I hereby certify the above and foregoing to be a full, true, and perfect copy of the original roll. In testimony whereof I have hereto set my hand and the great seal of the State of Missouri, this 2d day of November, 1861.

[SEAL.]

B. F. MASSEY, *Secretary of State.*

Convention between the Confederate States of America and the State of Missouri.

Whereas it is the common desire of the Confederate States of America and the State of Missouri that said State should become a member of the Confederacy; and

Whereas the accomplishment of their purpose is now prevented by an armed invasion of the territory of said State by the United States; and

Whereas the interests of both demand that they should make common cause in the war waged by the United States against the liberties of both;

Now, therefore, for these most desirable objects, the President of the Confederate States of America has conferred full powers on R. M. T. Hunter, their Secretary of State, and the executive power of the State of Missouri on Edward Carrington Cabell and Thomas L. Snead, who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

ARTICLE I.

The State of Missouri shall be admitted into said Confederacy on an equal footing with the other States composing the same, on the fulfillment of the conditions set forth in the second section of the act of the Congress of the Confederate States, entitled "An act to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes," approved August 20, 1861.

ARTICLE II.

Until said State of Missouri shall become a member of said Confederacy, the whole military force, material of war, and military operations, offensive and defensive, of said State shall be under the chief control and direction of the President of the Confederate States, upon the same basis, principles, and footing as if said State were now and during the interval a member of said Confederacy, the said force, together with that of the Confederate States, to be employed for their common defense.

ARTICLE III.

The State of Missouri will, whenever she becomes a member of said Confederacy, turn over to said Confederate States all the public property, naval stores, and munitions of war of which she may then be in possession, acquired from the United States (excepting the public lands), on the same terms and in the same manner as the other States of said Confederacy have done in like cases.

ARTICLE IV.

All expenditures for the prosecution of the existing war, incurred by the State of Missouri, from and after the date of the signing of this convention, shall be met and provided for by the Confederate States.

ARTICLE V.

The alliance hereby made between the said Confederate States and the State of Missouri shall be offensive and defensive, and shall be and remain in force during the continuance of the existing war with the United States, or until suspended by the admission of said State into the Confederacy, and shall take effect from the date thereof, according to the provisions of the third section of the aforesaid act, approved August 20, 1861.

In faith whereof we, the commissioners of the Confederate States of America and of the State of Missouri, have signed and sealed these presents.

Done in duplicate, at the city of Richmond, on the 31st day of October, in the year of our Lord 1861.

R. M. T. HUNTER.	[SEAL.]
E. C. CABELL.	[SEAL.]
THOMAS L. SNEAD.	[SEAL.]

Mr. Johnson of Arkansas offered

A resolution to ratify the agreement and convention entered into between the State of Missouri and the Confederate States of America; which was taken up.

And on the question of agreeing to the same.

Mr. Kenner, at the instance of the State of Arkansas, demanded that the yeas and nays of the entire Congress be recorded thereon.

The demand was sustained.

And the yeas and nays are recorded as follows, viz:

It was decided in the affirmative, {	Yeas-----	58
	Nays-----	0

Alabama—Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, Shorter, Davis, and Jones.

Arkansas—Messrs. Johnson, Rust, Thomason, Garland, and Watkins.

Florida—Messrs. Morton, Ward, and Owens.

Georgia—Messrs. Toombs, Cobb, Foreman, Nisbet, Crawford, Hill, T. R. Cobb, Wright, Kenan, and Stephens.

Louisiana—Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Messrs. Brooke, Barry, Harrison, and Campbell.

North Carolina—Messrs. Davis, Avery, Smith, McDowell, Venable, Morehead, Davidson, and Craige.

South Carolina—Messrs. Rhett, Miles, and Boyce.

Tennessee—Messrs. Thomas, House, Jones, Caruthers, Currin, Atkins, and De Witt.

Texas—Mr. Hemphill.

Virginia—Messrs. Seddon, Walter Preston, Hunter, Tyler, Macfarland, Pryor, Rives, Russell, Johnston, Staples, and William B. Preston.

The vote thereon being unanimous, the same was agreed to.

On motion of Mr. Sparrow, the injunction of secrecy was removed from the vote on the resolution and from the resolution itself.

On motion of Mr. Johnson, the message of the President, together with the accompanying documents, were referred to the Committee on the Judiciary.

Congress then resumed legislative session.

## SEVENTH DAY—WEDNESDAY, NOVEMBER 27, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Brockenbrough announced the presence of Mr. A. R. Boteler, a Delegate-elect from the State of Virginia, who came forward, presented his credentials, and was duly qualified.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session, resumed the consideration of the unfinished business of yesterday, which was the consideration of the motion of Mr. Harris to reconsider the vote by which the resolution offered by Mr. Brooke was rejected.

Mr. Sparrow, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Wright and Stephens. Nay: Messrs. Toombs, Foreman, Crawford, Hill, T. R. R. Cobb, and Kenan.

Louisiana—Yea: Messrs. Perkins, Conrad, and Sparrow. Nay: Mr. Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Harrison, and Campbell. Nay: Mr. Barry.

North Carolina—Yea: Mr. Venable. Nay: Messrs. Davis, Avery, Smith, McDowell, Morehead, Craige, and Davidson.

South Carolina—Nay: Messrs. Rhett, Miles, and Boyce.

Tennessee—Yea: Messrs. Currin, Jones, and House. Nay: Messrs. Atkins, Caruthers, De Witt, and Thomas.

Texas—Nay: Mr. Hemphill.

Virginia—Yea: Messrs. Tyler, Macfarland, Rives, Brockenbrough, and Russell. Nay: Messrs. Pryor, Staples, and Walter Preston.

The following States voted in the affirmative:

Arkansas, Florida, Louisiana, Mississippi, and Virginia.

Those voting in the negative are,

Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Texas.

So the motion to reconsider did not prevail.

Mr. Hale, from the Committee on the Judiciary, to whom was referred the message of the President and the accompanying documents relative to the admission of Missouri, reported and recommended the passage of

A bill to admit the State of Missouri into the Confederacy, as a member of the Confederate States of America; which was read first and second times, engrossed, read a third time.

The question being upon the passage of the bill, Mr. Johnson, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Toombs, Crawford, Hill, Wright, T. R. R. Cobb, Kenan, and Stephens. Nay: Mr. Foreman.

Louisiana—Yea: Messrs. Perkins, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Harris, Brooke, Barry, Harrison, and Campbell.



North Carolina—Yea: Messrs. Davis, Avery, Smith, McDowell, Venable, Morehead, Craige, and Davidson.

South Carolina—Yea: Messrs. Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Atkins, Caruthers, Currin, De Witt, House, Jones, and Thomas.

Texas—Yea: Mr. Hemphill.

Virginia—Yea: Messrs. Seddon, Hunter, Tyler, Macfarland, Pryor, Bocock, Rives, Brockenbrough, Russell, Staples, and Walter Preston.

All the States voting in the affirmative, so the bill was passed.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Memminger moved to amend the preamble of the bill; which is as follows, to wit:

The general assembly of the State of Missouri, for and on behalf of the people thereof, having passed an act dissolving all political connection between the Government of the United States of America and the people and government of the State of Missouri, and another act adopting and ratifying the Constitution for the Provisional Government of the Confederate States of America, and accepting the provisions of the act of Congress of the Confederate States entitled "An act to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes," approved on the twentieth day of August, eighteen hundred and sixty-one, both of which acts so passed by the general assembly of the State of Missouri were approved by the governor thereof on the thirty-first day of October, eighteen hundred and sixty-one: Therefore,

By preceding the same with the following words, to wit:

Whereas it is the will of the people of the State of Missouri to dissolve the connection of that State with the United States; and whereas in pursuance of that will.

Mr. Hill moved to amend the amendment by adding at the end of the preamble the following words, to wit:

And this Congress having satisfactory evidence that the action of the general assembly reflects the will of the people of said State, and who are prevented from any other expression of such will by an armed invasion of the State.

Mr. Johnson of Arkansas called the question, which was upon agreeing to the amendment offered by Mr. Memminger; and the call being seconded, the vote was taken, and the amendment was not agreed to.

The question then being upon agreeing to the amendment offered by Mr. Hill, the vote was taken, and the amendment was agreed to.

The question then recurring upon agreeing to the preamble as amended, Mr. Walker, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Hale, and McRae. Nay: Messrs. Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Toombs, Foreman, Nisbet, Hill, T. R. R. Cobb, Kenan, and Stephens. Nay: Mr. Crawford.

Louisiana—Yea: Messrs. Perkins, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Harris and Campbell. Nay: Messrs. Brooke, Barry, and Harrison.

North Carolina—Yea: Mr. Davis. Nay: Messrs. Avery, McDowell, Venable, and Morehead.

South Carolina—Nay: Messrs. Rhett, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Currin and House. Nay: Messrs. Atkins, Caruthers, De Witt, Jones, and Thomas.

Texas—Yea: Mr. Hemphill.

Virginia—Yea: Messrs. Tyler, Brockenbrough, and Russell. Nay: Messrs. Macfarland, Pryor, and Walter Preston.

Those States which voted in the affirmative are,  
Arkansas, Florida, Georgia, Louisiana, and Texas.

Those in the negative are,

Mississippi, North Carolina, South Carolina, and Tennessee.

The States of Alabama and Virginia being divided.

So the preamble as amended was not agreed to.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Hale, from the Committee on the Judiciary, to whom was referred a resolution of inquiry as to the expediency of allowing captives of companies to draw the pay of deceased soldiers, reported

A bill for the relief of the heirs and distributees of deceased soldiers; which was read first and second times and placed on the Calendar.

The Chair presented a communication from the Secretary of the Navy, recommending the balance of the funds on hand in his Department under the appropriation act of May, 1861, be transferred for the pay of officers on and off duty; which was read and referred to the Committee on Naval Affairs.

Also, a communication from the Doorkeeper of Congress relative to rooms for committees; which was read and referred to the Committee on Public Buildings.

Mr. Curry moved that the Chair appoint an additional member to that committee; which was agreed to.

Mr. Boteler was announced by the Chair as the appointee in obedience to the motion.

The Chair presented a communication from the President; which was read, as follows:

RICHMOND, VA., November 27, 1861.

HON. HOWELL COBB,  
*President of the Congress.*

SIR: I have the honor to acknowledge the receipt of the resolution requesting me to communicate to Congress the reports of all battles not heretofore communicated to Congress or published in full to the country; and to reply that copies of all such reports have been prepared to accompany the report of the Secretary of War, to which it was supposed proper to append them as documents.

I hope very soon to be able to transmit the report of the Secretary of War with all the documents which usually and properly attend it, those specially called for included.

JEFFERSON DAVIS.

Also, a communication from the President, transmitting to Congress a communication from the Attorney-General, with the report of the Superintendent of Public Printing, containing estimates for appropriations; which were read and referred to the Committee on Public Printing.

Mr. T. R. R. Cobb introduced

A resolution instructing the Committee on the Judiciary to inquire into the expediency of amending the sequestration act; which was read and agreed to.

Also, a resolution instructing the Committee on Military Affairs to inquire into the expediency of the law authorizing a second junior

lieutenant and fifth sergeant to infantry companies; which was read and agreed to.

Also, a resolution instructing the Committee on Military Affairs to inquire into the expediency of so amending the laws as to allow payment for cavalry horses killed or lost by accident in the service; which was read and agreed to.

Also, a resolution instructing the Committee on Military Affairs to inquire into the expediency of allowing commutation for rations not drawn by companies upon notice given to the Commissary Department; which was read and agreed to.

Mr. McRae presented a memorial of certain citizens of Alabama; which was referred to the Committee on the Judiciary, without being read.

Mr. Miles presented a memorial of certain citizens of Charleston, S. C.; which was referred to the Committee on Finance, without being read.

Mr. Boyce presented the petition of Edw. J. Arthur; which was referred to the Committee on the Judiciary, without being read.

Mr. Chilton introduced

A resolution instructing the Committee on Military Affairs to inquire into the practicability of providing a way for sick soldiers to obtain their discharges, pay, and transportation without their personal attendance; which was read and agreed to.

On motion of Mr. Rhett,

Congress then adjourned until 12 o'clock to-morrow morning.

## EIGHTH DAY—THURSDAY, NOVEMBER 28, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Messrs. Hunter, Seddon, and Bocoek, by unanimous consent, were allowed to record their votes in the affirmative upon the passage of the bill to admit Missouri as a State of the Confederate States of America.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to admit the State of Missouri into the Confederacy, as a member of the Confederate States of America.

Mr. Venable offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of War be requested to submit additional provisions to the articles of war, for the punishment of offenses committed by persons belonging to the Army of the Confederate States, now cognizable only by civil tribunals, the said provisions to be in force during the present war.

Mr. Avery presented a memorial of Asa Biggs, praying amendment to the sequestration act; which was referred to the Committee on the Judiciary, without being read.

Mr. McDowell presented a memorial and resolution relative to the Lumberton Guards of North Carolina; which was read and referred to the Committee on Military Affairs.

Mr. Caruthers presented a memorial of Cochran & Co.; which was referred to the Committee on the Judiciary, without being read.

Mr. De Witt introduced

A bill to extend the time within which patents or the deeds of assignment therefor may be filed for record in the Patent Office of the Confederate States;

which was read first and second times and referred to the Committee on Patents.

Also, a bill to increase the pay of privates in the Confederate and Provisional Army; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Currin introduced

A bill to amend an act for the sequestration of the property and effects of alien enemies, etc.;

which was read first and second times and referred to the Committee on the Judiciary.

Mr. Staples presented the memorial of John B. I. Logan; which was read and referred to the special committee to examine into Medical, Quartermaster's, and Commissary Departments.

Mr. Seddon offered

A resolution directing the Committee on the Judiciary to inquire into the expediency of so amending the sequestration act as to make it promise of indemnity to those who may destroy property when in imminent danger of falling into the hands of the enemy; which was read and agreed to.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President had this day approved and signed an act to admit the State of Missouri into the Confederacy, as a member of the Confederate States of America.

Mr. Smith of Alabama presented the petition of Mrs. Judge; which was referred to the Committee on the Judiciary, without being read.

Also, the petition of Captain Randolph; which was read and referred to the Committee on Naval Affairs.

Mr. Curry offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of so amending the sequestration act so as to provide for the payment out of the surplus created by that fund the salaries of United States officers due at the time of the secession of the several States;

which was read and agreed to.

Mr. Chilton offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of taking further action upon the subject of passports;

which was read and agreed to.

Mr. Johnson of Arkansas offered



A resolution instructing the Committee on Indian Affairs to inquire into the expediency of transferring the Indian Bureau from the War to the State Department; which was read and agreed to.

Also, a resolution instructing the Committee on Military Affairs to inquire into the expediency of constructing a gap in the Memphis and Little Rock Railroad; which was read and agreed to.

Also, the following resolution; which was read and placed on the Calendar:

*Resolved*, That Congress adjourn on Monday the sixteenth day of December, eighteen hundred and sixty-one, to meet again on the third of February, eighteen hundred and sixty-two, unless sooner called together by the President.

Mr. Kenan introduced

A bill to repeal all tariff laws, etc.; which was read first and second times.

Mr. Kenan then moved that the consideration of the bill be made the special order of Tuesday next.

Mr. Curry moved to refer the same to the Committee on Finance, and called the question; and the called being sustained, the question was put, and the bill was referred to the Committee on Finance.

Mr. T. R. R. Cobb introduced

A bill to make penal the transportation and sale of cotton, tobacco, and naval stores in ports of the Confederate States in occupancy of the enemy; which was read first and second times and referred to the Committee on Commerce.

Mr. Foreman presented the memorial of Judge Harden; which was referred to the Committee on the Judiciary, without being read.

Mr. Wright offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President be, and he is hereby, requested to communicate to this body whether any restrictions (and if so, what) have been placed upon vessels leaving the ports of the Confederate States, other than those imposed by law. And if any have been imposed, by what authority.

Mr. Harris offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of offering additional inducements for volunteers to enlist in the service of the Confederate States, etc.; which was read and agreed to.

Mr. Scott presented the memorial of Lieut. B. W. Hunter; which was referred to the Committee on Naval Affairs, without being read.

Mr. Brooke introduced

A bill authorizing the further prosecution of the loan of the proceeds of cotton, and for other purposes; which was read first and second times and referred to the Committee on Finance.

Mr. Rhett introduced the following resolution; which was read and agreed to, to wit:

*Resolved*, That so much of the President's message as refers to the foreign affairs of the Confederate States be referred to the Committee on Foreign Affairs.

Mr. Hemphill moved that the Calendar of Congress be printed for the use of the Congress.

The motion was agreed to.

Mr. Memminger moved that Congress do now resolve itself into executive session.

The motion was agreed to; and Congress having resolved itself into executive session and having spent some time therein, again resolved itself into legislative session.

Mr. Hale moved to take up for consideration from the Calendar

A bill from the Judiciary Committee for the relief of the heirs and distributees of deceased soldiers.

The motion was agreed to, and Congress proceeded to the consideration of the same, and the first section being under consideration; which is as follows, to wit:

*The Congress of the Confederate States do enact*, That the captain or commanding officer of any volunteer company in the service of the Confederate States, in event of the death of any noncommissioned officer, musician, or private, being a volunteer and a member of his company at the time of his death, shall be, and is hereby, authorized to receive and receipt for any pay or allowance that may have been due such noncommissioned officer, musician, or private at the time of his death, and all paymasters, quartermasters, and other persons charged with the payment of troops are required to pay the same to such commanding officer, on his demand, at the same time that he pays off the company to which the deceased belonged. And the commanding officer who shall receive moneys under the provisions of this act shall first pay off any just debt that the deceased may owe for clothing or other necessities furnished him as a soldier, and the balance [he] shall pay to the wife of the deceased, if living; if not, to the children, if any. In default of either wife or children, then to the father of the deceased, and if he be dead, then to the mother of the deceased; and the officer so receiving said money may forward the same to the person entitled thereto under the provisions of this act, either by mail or other safe hands, and shall thereupon be discharged from all further liability therefor. And if no person entitled to receive said money shall apply for the same within six months from the time the same is received, then the same shall be paid over to some quartermaster or other disbursing officer of the Government, and a certificate thereof taken and a memorandum thereof entered upon the pay roll of the company made out next thereafter. And any officer who shall receive money under the provisions of this act and fraudulently apply the same to his own use or fail to pay the same over to the person entitled to receive it, for twenty days after a proper application, without good cause therefor, shall, on conviction thereof by a general court-martial, be cashiered,

Mr. T. R. R. Cobb moved to amend the same by inserting after the words "paid off" the following words, to wit: "all burial expenses and such as attended his last sickness."

Mr. Hale moved to lay the amendment on the table, and called the question; and the call being seconded, the question was put, and the motion to lay on the table prevailed.

Mr. De Witt moved to amend by inserting after the words "mother of the deceased" the words "if there be no mother living, then to the next of kin."

The amendment was not agreed to.

Mr. Bocock moved to recommit the bill to the Committee on the Judiciary, and called the question; and the call for the question being seconded, the question was put, and the motion was agreed to and the bill was recommitted to the Committee on the Judiciary.

On motion of Mr. Morton,

Congress then adjourned until to-morrow at 12 m.

## EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before that body a communication from the President, nominating, for the advice and consent of the Congress, the following list of appointments for district attorneys, viz:

EXECUTIVE DEPARTMENT,  
*Richmond, Va., November 28, 1861.*

*To the honorable President of the Congress:*

I herewith transmit, for the advice and consent of the Congress, the nomination of Samuel H. Hempstead, to be Confederate States district attorney for the eastern district of Arkansas, and John C. Nicoll to be Confederate States district attorney for the district of Georgia.

JEFFERSON DAVIS.

On motion, the communication was referred to the Committee on the Judiciary.

Congress then resumed legislative session.

## NINTH DAY—FRIDAY, NOVEMBER 29, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress having resolved itself into secret session,

Mr. Walker introduced

A bill to increase the pay of privates, and to reduce the pay of officers in the Army of the Confederate States;

which was read first and second times and referred to the Committee on Military Affairs.

Mr. Curry presented the memorial of C. J. Clark, surgeon of the Tenth Alabama Regiment; which was referred to the Committee on Military Affairs, without being read.

Mr. Thomason introduced

A bill to enable the State of Missouri to elect members of the House of Representatives;

which was read first and second times, engrossed, read third time, and passed.

Mr. Morton offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of repealing an act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida; which was read and agreed to.

Mr. Brooke offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the papers which were before the Committee on Patents at the last session, and which were not acted upon and returned, be referred again to same committee.

Mr. Smith of North Carolina offered the following resolution, to wit:

*Resolved*, That the daily sessions of Congress shall be hereafter at eleven o'clock a. m.

Mr. Avery moved to lay the resolution on the table; which was agreed to.

Mr. Avery offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of adding to each cavalry regiment an additional officer, with the rank and pay of major; which was read and agreed to.

Mr. Caruthers presented the memorial of certain citizens of Tennessee; which was referred to the Committee on the Judiciary, without being read.

Also, a bill to divide the State of Tennessee into three judicial districts; which was read first and second times and referred to the Committee on the Judiciary.

Also, a bill to provide for drawing jurors in criminal cases; which was read first and second times and referred to the Committee on the Judiciary.

Mr. House offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of reducing the pay of commissioned officers and increasing the pay of privates in the Confederate Army; which was read and agreed to.

Mr. Tyler offered

A resolution instructing the Committee on Commerce to inquire into the expediency of providing a new system of weights and measures, and of coin; which was read and agreed to.

Mr. Tyler also moved that an article from the October number of De Bow's Review, entitled "Commercial enfranchisement of the Confederate States," be printed for the use of Congress.

Mr. Kenner moved that the subject of printing the article be referred to the Committee on Public Printing.

The motion was agreed to.

Mr. Brooke moved that the memorial of Mr. Stout, of Tennessee, on the same subject, be referred to the same committee.

The motion was agreed to.

Mr. Bocock offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of paying for horses killed in the service, which have not been regularly mustered in; which was read and agreed to.

The Chair presented a communication from the Secretary of Congress in relation to the disposition of certain law books; which was read and referred to the Committee on the Judiciary.

Mr. William Ballard Preston, by unanimous consent, was allowed to record his vote in the affirmative upon the passage of an act for the admission of Missouri.

Mr. Curry moved that Congress do now resolve itself into executive session.

The motion was agreed to; and Congress having spent some time in executive session, again resolved itself into legislative session.

Mr. Miles, from the Committee on Military Affairs, reported the following resolution; which was read and agreed to, to wit:

*Resolved*, That an additional member be added to the Committee on Military Affairs from each State not now represented in said committee.



The Chair announced as additional members of the committee:

Messrs. Hale of Alabama, Harris of Mississippi, Atkins of Tennessee, and Ochiltree of Texas.

Mr. Miles, from the same committee, to whom was referred a resolution of inquiry as to the authority under which the President appointed major-generals in the Confederate Army, reported the same back, and asked to be discharged from its further consideration, and that the resolution lie on the table, etc.

Mr. Rhett moved to commit the resolution reported back by the committee to the Committee on the Judiciary, with instructions to report a bill legalizing the action of the President in appointing major-generals.

Mr. Harris moved to lay the whole subject on the table, and Mr. Kenan, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to enable the State of Missouri to elect members to the House of Representatives.

Mr. Brooke called the question, which was upon the motion of Mr. Harris, to lay on the table the report from the Military Committee, and the motion of Mr. Rhett, upon which motion, Mr. Kenan, at the instance of the State of Georgia, had demanded that the yeas and nays of the whole body be recorded; and the call being seconded, the question was put, and the yeas and nays thereon are as follows, to wit:

Alabama—Yea: Messrs. Walker and McRae. Nay: Messrs. Smith, Curry, Chilton, Hale, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Johnson.

Florida—Nay: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Hill, Kenan, and Stephens. Nay: Mr. Wright.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Harris, Brooke, Harrison, and Campbell.

North Carolina—Yea: Messrs. Davis, Avery, Morehead, and Davidson. Nay: Messrs. McDowell and Venable.

South Carolina—Yea: Mr. Chesnut. Nay: Messrs. Rhett, Miles, and Boyce.

Tennessee—Yea: Messrs. Thomas, House, Caruthers, and Currin. Nay: Messrs. Jones, Atkins, and De Witt.

Texas—Yea: Messrs. Hemphill and Ochiltree.

Virginia—Yea: Messrs. Bocoek, Boteler, and Russell. Nay: Messrs. Seddon, William B. Preston, Macfarland, Rives, Scott, Staples, and Walter Preston.

Those States voting in the affirmative are,

Georgia, Louisiana, Mississippi, North Carolina, Tennessee, and Texas.

Those in the negative are,

Alabama, Florida, South Carolina, and Virginia.

The State of Arkansas being divided.

So the motion to lay on the table prevailed.

Mr. Harris introduced the following resolution, to wit:

*Resolved*, That the President be requested to communicate to Congress under authority of what law the appointments of major-generals in the Confederate service were appointed,

And called the question; which was seconded, when Mr. Sparrow, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon.

Mr. Jones of Tennessee moved that Congress do now adjourn.

Mr. Hemphill moved that when Congress do adjourn it adjourn to meet again on Monday next.

The motion was not agreed to,

And the vote being taken upon the motion of Mr. Jones to adjourn, the same was not agreed to.

The question then recurring upon the adoption of the resolution offered by Mr. Harris, upon which Mr. Sparrow had demanded that the yeas and nays of the whole body be recorded, the vote was taken, and resulted as follows, to wit:

Alabama—Yea: Messrs. Smith, Hale, and Jones. Nay: Messrs. Walker, Curry, Chilton, and McKee.

Arkansas—Yea: Messrs. Johnson and Thomason.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Mr. Hill. Nay: Messrs. Crawford, Wright, Kenan, and Stephens.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Harris, Brooke, and Campbell. Nay: Mr. Harrison.

North Carolina—Yea: Messrs. Davis, Smith, and Davidson. Nay: Messrs. Avery, McDowell, Venable, and Morehead.

South Carolina—Yea: Messrs. Rhett and Boyce. Nay: Messrs. Chesnut and Miles.

Tennessee—Yea: Messrs. House, Atkins, and Jones. Nay: Messrs. De Witt, Thomas, Currin, and Caruthers.

Texas—Yea: Mr. Hemphill. Nay: Mr. Ochiltree.

Virginia—Yea: Mr. William B. Preston. Nay: Messrs. Seddon, Macfarland, Bocoek, Rives, Scott, Boteler, and Russell.

Those States voting in the affirmative are,

Florida and Mississippi.

Those in the negative are,

Alabama, Arkansas, Georgia, Louisiana, North Carolina, Tennessee, and Virginia.

The States of South Carolina and Texas being divided.

So the resolution was not agreed to.

Congress, on motion of Mr. House,

Then adjourned until 12 m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before the body a communication from the President, nominating, for the advice and consent of Congress, "the officers on the accompanying list, to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War," viz:

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,  
*Richmond, November 27, 1861.*

SIR: I have the honor to recommend the following nominations for appointment in the Army of the Confederate States of America:

## ADJUTANT-GENERAL'S DEPARTMENT.

*Lieutenant-colonel.*

Robert H. Chilton, of Virginia, to rank from March 16, 1861.

*Captain.*

T. A. Washington, of Virginia, to rank from March 16, 1861.

## QUARTERMASTER-GENERAL'S DEPARTMENT.

*Lieutenant-colonel.*

Larkin Smith, of Virginia, to rank from March 16, 1861.

## COMMISSARY-GENERAL'S DEPARTMENT.

*Colonel.*

Lucius B. Northrop, of South Carolina, to rank from March 16, 1861.

*Lieutenant-colonel.*

R. B. Lee, of Virginia, to rank from March 16, 1861.

*Majors.*

William B. Blair, of Virginia, to rank from March 16, 1861.

T. G. Williams, of Virginia, to rank from March 16, 1861.

*Captain.*

Theodore Lewis, of Louisiana, to rank from March 16, 1861.

## MEDICAL DEPARTMENT.

*Surgeon-General.*

Samuel P. Moore, of South Carolina, to rank from March 16, 1861.

*Surgeons.*

David C. De Leon, of South Carolina, to rank from March 16, 1861.

T. C. Madison, of Virginia, to rank from March 16, 1861.

Charles H. Smith, of Virginia, to rank from March 16, 1861.

John M. Haden, of Mississippi, to rank from March 16, 1861.

Lafayette Guild, of Alabama, to rank from March 16, 1861.

Thomas H. Williams, of Maryland, to rank from March 16, 1861.

Edward W. Johns, of Maryland, to rank from March 16, 1861.

William W. Anderson, of South Carolina, to rank from March 16, 1861.

Elisha P. Langworthy, of Maryland, to rank from March 16, 1861.

*Assistant surgeons.*

Andrew J. Foard, of Georgia, to rank from March 16, 1861.

Richard Potts, of Maryland, to rank from March 16, 1861.

Robert L. Brodie, of South Carolina, to rank from March 16, 1861.

Nathaniel S. Crowell, of South Carolina, to rank from March 16, 1861.

J. J. Gaenslen, of Virginia, to rank from March 16, 1861.

Asa Wall, of Virginia, to rank from March 16, 1861.

Charles Brewer, of Maryland, to rank from March 16, 1861.

James H. Berrien, of Georgia, to rank from March 16, 1861.

Edward N. Covey, of Maryland, to rank from March 16, 1861.

A. M. Fauntleroy, of Virginia, to rank from March 16, 1861.

David P. Ramseur, of North Carolina, to rank from March 16, 1861.

## CORPS OF ENGINEERS.

*Lieutenant-Colonel.*

Jeremy F. Gilmer, of North Carolina, to rank from March 16, 1861.

*Majors.*

Martin L. Smith, to rank from March 16, 1861.

W. H. Stevens, of Texas, to rank from March 16, 1861.

*Captains.*

J. C. Ives, to take rank March 16, 1861.

George W. C. Lee, of Virginia, to take rank March 16, 1861.

Charles R. Collins, of South Carolina, to take rank March 16, 1861.

## REGIMENT OF CAVALRY.

*Colonel.*

Earl Van Dorn, of Mississippi, to rank from March 16, 1861.

*Lieutenant-colonel.*

E. K. Smith, of Florida, to rank from March 16, 1861.

*Major.*

Richard H. Anderson, of South Carolina, to rank from March 16, 1861.

*Captains.*

James M. Hawes, of Kentucky, to rank from March 16, 1861.

Nathan G. Evans, of South Carolina, to rank from March 16, 1861.

James McIntosh, of Florida, to rank from March 16, 1861.

Charles W. Field, of Kentucky, to rank from March 16, 1861.

Robert Ransom, jr., of North Carolina, to rank from March 16, 1861.

Robert Johnston, of Virginia, to rank from March 16, 1861.

J. E. B. Stuart, of Virginia, to rank from March 16, 1861.

H. B. Davidson, of Tennessee, to rank from March 16, 1861.

John Pegram, of Virginia, to rank from March 16, 1861.

John B. Hood, of Kentucky, to rank from March 16, 1861.

*First lieutenants.*

John T. Mercer, of Georgia, to rank from March 16, 1861.

James P. Major, of Missouri, to rank from March 16, 1861.

Ed. Ingraham, of Mississippi, to rank from March 16, 1861.

Lunsford L. Lomax, of District of Columbia, to rank from March 16, 1861.

George Jackson, of Virginia, to rank from March 16, 1861.

H. C. McNeill, of Mississippi, to rank from March 16, 1861.

Fitzhugh Lee, of Virginia, to rank from March 16, 1861.

S. W. Ferguson, of South Carolina, to rank from March 16, 1861.

Andrew Jackson, jr., of Tennessee, to rank from March 16, 1861.

R. H. Brewer, of Maryland, to rank from March 16, 1861.

*Second lieutenants.*

F. C. Armstrong, of Arkansas, to rank from March 16, 1861.

Charles S. Bowman, of Florida, to rank from March 16, 1861.

John M. Kerr, of North Carolina, to rank from March 16, 1861.

I am, sir, respectfully, your obedient servant,

J. P. BENJAMIN,  
*Secretary of War.*

To His Excellency JEFFERSON DAVIS.

which were referred to the Committee on Military Affairs.



The Chair also laid before Congress the following communication from the President, viz:

RICHMOND, November 28, 1861.

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

EIGHTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John A. Winston, of Alabama, to rank from June 11, 1861.

*Lieutenant-colonel.*

John W. Frazer, of Alabama, to rank from June 17, 1861.

*Major.*

Thomas E. Irby, of Alabama, to rank from June 17, 1861.

TENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John H. Forney, of Alabama, to rank from June 4, 1861.

*Lieutenant-colonel.*

James B. Martin, of Alabama, to rank from June 11, 1861.

*Major.*

J. J. Woodward, of Alabama, to rank from September 4, 1861.

ELEVENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Sydenham Moore, of Alabama, to rank from June 11, 1861.

*Lieutenant-colonel.*

Stephen F. Hale, of Alabama, to rank from July 8, 1861.

*Major.*

A. Gracie, jr., of Alabama, to rank from July 12, 1861.

FOURTEENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Thomas J. Judge, of Alabama, to rank from July 19, 1861.

*Lieutenant-colonel.*

D. W. Baine, of Alabama, to rank from July 19, 1861.

*Major.*

O. K. McLemore, of Alabama, to rank from September 9, 1861.

NINETEENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Joseph Wheeler, of Alabama, to rank from September 4, 1861.

*Lieutenant-colonel.*

E. D. Tracy, of Alabama, to rank from October 12, 1861.

*Major.*

S. K. McSpadden, of Alabama, to rank from September 4, 1861.

## TWENTIETH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

I. W. Garrott, of Alabama, to rank from October 8, 1861.

*Lieutenant-colonel.*

E. W. Pettus, of Alabama, to rank from October 8, 1861.

*Major.*

Charles D. Anderson, of Alabama, to rank from November 9, 1861.

## TWENTY-SECOND ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Z. C. Deas, of Alabama, to rank from October 25, 1861.

*Lieutenant-colonel.*

John C. Marrast, of Alabama, to rank from October 25, 1861.

*Major.*

Robert B. Armistead, of Alabama, to rank from October 25, 1861.

## THIRD ARKANSAS REGIMENT, PROVISIONAL ARMY.

*Colonel.*

A. Rust, of Arkansas, to rank from July 5, 1861.

*Lieutenant-colonel.*

Seth M. Barton, of Arkansas, to rank from July 8, 1861.

*Major.*

Van H. Manning, of Arkansas, to rank from July 9, 1861.

## FIRST ARKANSAS BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

J. S. Marmaduke, of Arkansas, to rank from September 19, 1861.

*Major.*

James B. Johnson, of Arkansas, to rank from September 19, 1861.

## SECOND ARKANSAS BATTALION, PROVISIONAL ARMY.

*Major.*

W. N. Bronaugh, of Arkansas, to rank from October 29, 1861.

## FIRST FLORIDA CAVALRY BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

W. G. M. Davis, of Florida, to rank from November 4, 1861.

*Major.*

G. T. Maxwell, of Florida, to rank from November 4, 1861.

## TENTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Alfred Cumming, of Georgia, to rank from September 25, 1861.

*Lieutenant-colonel.*

J. B. Weems, of Georgia, to rank from September 25, 1861.

*Major.*

R. R. Hawes, of Georgia, to rank from September 25, 1861.

## TWELFTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Edward Johnson, of Georgia, to rank from July 2, 1861.

*Lieutenant-colonel.*

Z. T. Conner, of Georgia, to rank from July 2, 1861.

*Major.*

Abner Smead, of Georgia, to rank from June 10, 1861.

## SIXTEENTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Lieutenant-colonel.*

Goode Bryan, of Georgia, to rank from July 19, 1861.

*Major.*

Henry P. Thomas, of Georgia, to rank from July 19, 1861.

## TWENTIETH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

William D. \_\_\_\_\_, of Georgia, to rank from July 14, 1861.

*Lieutenant-colonel.*

J. B. Cumming, of Georgia, to rank from September 5, 1861.

## TWENTY-FIRST GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John T. Mercer, of Georgia, to rank from September 28, 1861.

*Lieutenant-colonel.*

James J. Morrison, of Georgia, to rank from September 28, 1861.

*Major.*

Thomas W. Hooper, of Georgia, to rank from September 28, 1861.

## TWENTY-EIGHTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

T. J. Warthen, of Georgia, to rank from November 13, 1861.

*Lieutenant-colonel.*

George A. Hall, of Georgia, to rank from November 13, 1861.

*Major.*

James G. Cain, of Georgia, to rank from November 13, 1861.

## THIRD GEORGIA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

M. A. Stovall, of Georgia, to rank from October 8, 1861.

*Major.*

A. F. Rudler, of Georgia, to rank from October 31, 1861.

## FOURTH GEORGIA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

W. H. Stiles, of Georgia, to rank from September 19, 1861.

*Major.*

Thomas J. Berry, of Georgia, to rank from October 25, 1861.

## FIRST KENTUCKY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Thomas H. Taylor, of Kentucky, to rank from October 14, 1861.

*Lieutenant-colonel.*

William Preston Johnston, of Kentucky, to rank from October 14, 1861.

*Major.*

Edward Crossland, of Kentucky, to rank from November 16, 1861.

## SECOND KENTUCKY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

R. W. Hanson, of Kentucky, to rank from September 2, 1861.

*Lieutenant-colonel.*

Robert A. Johnston, of Kentucky, to rank from July 12, 1861.

*Major.*

James W. Hewitt, of Kentucky, to rank from July 19, 1861.

## FOURTH KENTUCKY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Robert P. Trabue, of Kentucky, to rank from September 23, 1861.



*Lieutenant-colonel.*

Andrew R. Hynes, of Kentucky, to rank from September 23, 1861.

*Major.*

Thomas B. Monroe, jr., of Kentucky, to rank from October 15, 1861.

## FOURTEENTH LOUISIANA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

V. Sulakowski, of Louisiana, to rank from June 15, 1861.

*Lieutenant-colonel.*

R. W. Jones, of Louisiana, to rank from September 20, 1861.

*Major.*

Zebulon York, of Louisiana, to rank from September 2, 1861.

## FIRST LOUISIANA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

N. H. Rightor, of Louisiana, to rank from October 2, 1861.

*Major.*

J. H. Beard, of Louisiana, to rank from October 2, 1861.

## THIRD LOUISIANA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

Charles M. Bradford, of Louisiana, to rank from September 4, 1861.

*Major.*

Edmund Pendleton, of Louisiana, to rank from September 19, 1861.

## FOURTH LOUISIANA BATTALION, PROVISIONAL ARMY.

*Major.*

G. C. Waddill, of Louisiana, to rank from September 19, 1861.

## FIFTH LOUISIANA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

J. B. G. Kennedy, of Louisiana, to rank from October 22, 1861.

## NINETEENTH MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Christopher H. Mott, of Mississippi, to rank from June 11, 1861.

*Lieutenant-colonel.*

L. Q. C. Lamar, of Mississippi, to rank from June 11, 1861.

*Major.*

John Mullins, of Mississippi, to rank from June 20, 1861.

## TWENTY-SECOND MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

D. W. C. Bonham, of Mississippi, to rank from October 10, 1861.

*Lieutenant-colonel.*

Frank Schaller, of Mississippi, to rank from October 2, 1861.

*Major.*

Charles G. Nelms, of Mississippi, to rank from October 10, 1861.

## FIRST MISSISSIPPI CAVALRY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Wirt Adams, of Mississippi, to rank from October 15, 1861.

*Lieutenant-colonel.*

Robert C. Wood, of Mississippi, to rank from October 15, 1861.

*Major.*

James Hagan, of Mississippi, to rank from October 29, 1861.

## THIRD MISSISSIPPI BATTALION, PROVISIONAL ARMY.

*Major.*

A. B. Harcastle, of Mississippi, to rank from November 16, 1861.

## SECOND MISSISSIPPI BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

John G. Taylor, of Mississippi, to rank from November 2, 1861.

*Major.*

W. S. Wilson, of Mississippi, to rank from November 2, 1861.

## JEFF. DAVIS LEGION, BATTALION CAVALRY, PROVISIONAL ARMY.

*Major.*

William T. Martin, of Mississippi, to rank from October 24, 1861.

## FIRST MISSOURI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John S. Bowen, of Missouri, to rank from June 11, 1861.

*Lieutenant-colonel.*

Lucius L. Rich, of Missouri, to rank from July 1, 1861.

*Major.*

C. C. Campbell, of Missouri, to rank from July 13, 1861.

## FIRST MARYLAND REGIMENT, PROVISIONAL ARMY.

*Colonel.*

George H. Steuart, of Maryland, to rank from September 4, 1861.

*Lieutenant-colonel.*

Bradley T. Johnson, of Maryland, to rank from September 4, 1861.

*Major.*

Edward R. Dorsey, of Maryland, to rank from September 4, 1861.

FIRST SOUTH CAROLINA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Maxcy Gregg, of South Carolina, to rank from July 25, 1861.

*Lieutenant-colonel.*

D. H. Hamilton, of South Carolina, to rank from July 26, 1861.

*Major.*

A. M. Smith, of South Carolina, to rank from July 26, 1861.

FIRST SOUTH CAROLINA CAVALRY BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

John L. Black, of South Carolina, to rank from October 31, 1861.

PALMETTO BATTALION ARTILLERY (SOUTH CAROLINA), PROVISIONAL ARMY.

*Major.*

E. B. White, of South Carolina, to rank from November 2, 1861.

THIRD TEXAS MOUNTED REGIMENT, PROVISIONAL ARMY.

*Colonel.*

E. Greer, of Texas, to rank from July 1, 1861.

*Lieutenant-colonel.*

Walter P. Lane, of Texas, to rank from July 2, 1861.

*Major.*

George W. Chilton, of Texas, to rank from August 2, 1861.

FOURTH TEXAS MOUNTED REGIMENT.

*Colonel.*

James Reily, of Texas, to rank from August 19, 1861.

*Lieutenant-colonel.*

William R. Scurry, of Texas, to rank from August 23, 1861.

*Major.*

Henry W. Raguet, of Texas, to rank from August 23, 1861.

FIFTH TEXAS MOUNTED REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Thomas Green, of Texas, to rank from August 20, 1861.

*Lieutenant-colonel.*

Henry C. McNeill, of Texas, to rank from August 20, 1861.

*Major.*

Sam. A. Lockridge, of Texas, to rank from August 20, 1861.

## SIXTH TEXAS MOUNTED REGIMENT, PROVISIONAL ARMY.

*Colonel.*

B. Warren Stone, of Texas, to rank from September 12, 1861.

*Lieutenant-colonel.*

John S. Griffith, of Texas, to rank from September 12, 1861.

*Major.*

L. S. Ross, of Texas, to rank from September 12, 1861.

## SECOND TEXAS INFANTRY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

J. C. Moore, of Texas, to rank from September 2, 1861.

*Lieutenant-colonel.*

J. F. Ward, of Texas, to rank from September 2, 1861.

*Major.*

X. B. Debray, of Texas, to rank from September 2, 1861.

## THIRD TEXAS INFANTRY REGIMENT, PROVISIONAL ARMY

*Colonel.*

P. N. Luckett, of Texas, to rank from September 4, 1861.

*Lieutenant-colonel.*

A. Buchel, of Texas, to rank from September 4, 1861.

*Major.*

E. F. Gray, of Texas, to rank from September 4, 1861.

## FOURTH TEXAS INFANTRY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John B. Hood, of Kentucky, to rank from September 30, 1861.

*Lieutenant-colonel.*

John Marshall, of Texas, to rank from October 2, 1861.

*Major.*

Bradfute Warwick, of Texas, to rank from October 2, 1861.

## FIFTH TEXAS INFANTRY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

J. J. Archer, of Maryland, to rank from October 2, 1861.



*Lieutenant-colonel.*

J. B. Robertson, of Texas, to rank from October 10, 1861.

*Major.*

W. B. Botts, of Texas, to rank from November 4, 1861.

## SIXTH TEXAS INFANTRY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

R. R. Garland, of Virginia, to rank from September 3, 1861.

*Lieutenant-colonel.*

[Thomas] Scott Anderson, of Texas, to rank from September 3, 1861.

*Major.*

A. M. Haskell, of District of Columbia, to rank from September 3, 1861.

## THIRTY-FOURTH TENNESSEE REGIMENT, PROVISIONAL ARMY.

*Colonel.*

William M. Churchwell, of Tennessee, to rank from August 16, 1861.

*Lieutenant-colonel.*

James A. McMurry, of Tennessee, to rank from August 16, 1861.

*Major.*

Robert N. Lewis, of Tennessee, to rank from August 16, 1861.

## THIRTY-FIFTH TENNESSEE REGIMENT, PROVISIONAL ARMY.

*Colonel.*

B. J. Hill, of Tennessee, to rank from September 11, 1861.

*Lieutenant-colonel.*

John L. Spurlock, of Tennessee, to rank from September 11, 1861.

*Major.*

Joseph Brown, of Tennessee, to rank from September 11, 1861.

## THIRTY-EIGHTH TENNESSEE REGIMENT, PROVISIONAL ARMY.

*Colonel.*

R. F. Looney, of Tennessee, to rank from October 26, 1861.

*Lieutenant-colonel.*

E. J. Golladay, of Tennessee, to rank from October 26, 1861.

*Major.*

D. H. Thrasher, of Tennessee, to rank from October 26, 1861.

## FORTIETH TENNESSEE REGIMENT, PROVISIONAL ARMY.

*Colonel.*

L. M. Walker, of Tennessee, to rank from November 11, 1861.

*Lieutenant-colonel.*

C. C. Henderson, of Tennessee, to rank from November 11, 1861.

*Major.*

J. A. Minter, of Tennessee, to rank from November 11, 1861.

## TWENTY-NINTH VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

A. C. Moore, of Virginia, to rank from November 4, 1861.

*Lieutenant-colonel.*

William Leigh, of Virginia, to rank from November 4, 1861.

*Major.*

James Giles, of Virginia, to rank from November 4, 1861.

## FORTY-FIFTH VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Henry Heth, of Virginia, to rank from June 17, 1861.

*Lieutenant-colonel.*

W. E. Peters, of Virginia, to rank from November 14, 1861.

*Major.*

W. H. Werth, of Virginia, to rank from November 14, 1861.

## FORTY-SIXTH VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

J. Lucius Davis, of Virginia, to rank from June 24, 1861.

*Lieutenant-colonel.*

John H. Richardson, of Virginia, to rank from June 24, 1861.

*Major.*

H. W. Fry, jr., of Virginia, to rank from June 24, 1861.

## FIFTIETH VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

A. W. Reynolds, of Virginia, to rank from July 10, 1861.

*Lieutenant-colonel.*

W. W. Finney, of Virginia, to rank from July 3, 1861.

*Major.*

C. E. Thorburn, of Virginia, to rank from July 10, 1861.

## FIFTY-FIRST VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Gabriel C. Wharton, of Virginia, to rank from July 17, 1861.

*Lieutenant-colonel.*

James W. Massie, of Virginia, to rank from July 17, 1861.

*Major.*

David S. Hounshell, of Virginia, to rank from July 17, 1861.

## FIFTY-NINTH VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

C. F. Henningsen, of Georgia, to rank from August 1, 1861.

*Lieutenant-colonel.*

F. P. Anderson, of Louisiana, to rank from July 13, 1861.

*Major.*

John Lawson, of Virginia, to rank from August 13, 1861.

## SIXTIETH VIRGINIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

W. E. Starke, of Virginia, to rank from October 12, 1861.

*Lieutenant-colonel.*

James L. Corley, of Virginia, to rank from October 12, 1861.

*Major.*

James W. Sweeney, of Virginia, to rank from October 14, 1861.

## SEVENTH VIRGINIA CAVALRY, PROVISIONAL ARMY.

*Colonel.*

Angus W. McDonald, of Virginia, to rank from June 5, 1861.

*Lieutenant-colonel.*

Turner Ashby, of Virginia, to rank from July 17, 1861.

*Major.*

Oliver R. Funsten, of Virginia, to rank from July 17, 1861.

## EIGHTH VIRGINIA CAVALRY, PROVISIONAL ARMY.

*Colonel.*

Walter H. Jenifer, of Virginia, to rank from September 24, 1861.

*Lieutenant-colonel.*

Albert G. Jenkins, of Virginia, to rank from September 24, 1861.

*Major.*

P. M. Edmondson, of Virginia, to rank from September 24, 1861.

## FIRST VIRGINIA BATTALION, PROVISIONAL ARMY.

*Major.*

John D. Munford, of Virginia, to rank from July 19, 1861.

## GEORGIA LEGION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

Pierce M. B. Young, of Georgia, to rank from November 15, 1861.

*Majors.*

Benjamin C. Yancey, of Georgia, to rank from November 15, 1861.

Jefferson M. Lamar, of Georgia, to rank from November 16, 1861.

which were referred to the Committee on Military Affairs.

Congress then resumed legislative session.

## TENTH DAY—SATURDAY, NOVEMBER 30, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Chilton announced the presence of Gen. Cornelius Robinson, a Delegate from the State of Alabama, who came forward, presented his credentials, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session, the following message was received, viz:

EXECUTIVE DEPARTMENT,  
*Richmond, November 30, 1861.*

*Mr. President:* The President on yesterday approved and signed

An act to enable the State of Missouri to elect members to the House of Representatives.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Avery, from the Committee on Military Affairs, to whom was referred a resolution for the relief of the Lumberton Guards (Company D, Second Regiment North Carolina Volunteers), reported back and recommended the passage of the same.

The report was received, and the resolution was engrossed, read third time, and passed.

Mr. McRae offered the following resolution; which was read and agreed to, to wit:

*Resolved,* That the Doorkeeper be authorized to purchase five hundred dollars' worth of stationery for the use of Congress, and he shall purchase the same where he can get it cheapest.

Mr. Hill presented the memorial of sundry citizens of the State of Georgia; which was referred to the Committee on the Judiciary, without being read.

Mr. Kenner offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of authorizing the Secretary of War to appoint an assistant, who shall be known as Assistant Secretary of War; which was read and agreed to.

Mr. Davis presented a memorial; which was referred to the Committee on the Judiciary, without being read.



Mr. Caruthers presented

A resolution instructing the Committee on the Judiciary to inquire into the expediency of exempting from the operations of the sequestration act all residents of nonslaveholding States at the time of the dissolution of the Union, who can show to the satisfaction of the district courts that they had determined to become citizens of the Confederate States, and that they were prevented from so doing by the interference of the authorities, etc.;

which was read and agreed to.

Mr. Currin introduced

A bill to establish certain post routes therein named;

which was read first and second times and referred to the Committee on Postal Affairs.

Mr. Seddon introduced

A resolution instructing the Committee on Military Affairs to inquire and report whether by any additional legislation and by the presentation of additional inducements the terms of enlistment of the volunteers now in the service for more limited periods to an enlistment for the war may not be promoted;

which was read and agreed to.

Mr. Wright presented the memorial of M. G. Rushton; which was referred to the Committee on Naval Affairs, without being read.

Mr. Chilton presented a memorial; which was referred to the Committee on Postal Affairs, without being read.

Mr. Bocock presented a memorial of Charles C. Hudson and Richard S. Roberson; which was referred to the Committee on the Judiciary, without being read.

Congress then proceeded to the consideration of the Private Calendar, and the first bill thereon having been taken up for consideration, which was

A bill to prevent the importation of African negroes,

The same was, on motion of Mr. Ochiltree, laid on the table.

Mr. Avery moved to postpone the further consideration of the Calendar, for the purpose of receiving reports from the Committee on Military Affairs.

The motion was agreed to; and

Mr. Miles, from the Committee on Military Affairs, to whom was referred

A resolution of inquiry as to the expediency of paying for horses in the cavalry service not killed in action,

reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Miles, from the same committee, to whom was referred

A resolution instructing said committee to report a bill providing for the payment of bonuses for the manufacture of gunpowder, saltpeter, small arms, etc.,

reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table.

Mr. Smith of Alabama moved to recommit the resolution to the committee, with instructions to report the bill as provided for by its terms.

The motion was agreed to, and the resolution recommitted.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

The Chair presented a communication from the President; which is as follows:

EXECUTIVE DEPARTMENT,  
Richmond, November 30, 1861.

*To the honorable President of the Congress:*

I herewith transmit a communication from the honorable Secretary of War and recommend it to the favorable consideration of the Congress.

JEFFERSON DAVIS.

On motion of Mr. Kenner, the message and accompanying documents were referred to the Committee on Military Affairs.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution for the relief of the Lumberton Guards (Company D, Second Regiment North Carolina Volunteers).

On motion of Mr. Wright,

Congress then adjourned until Monday at 12 m.

## ELEVENTH DAY—MONDAY, DECEMBER 2, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Johnson of Arkansas announced the presence of Messrs. George G. Vest, Caspar W. Bell, and A. H. Conrow, Delegates-elect from the State of Missouri, who came forward, presented their credentials, were duly qualified, and took their seats.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Walker offered

A resolution instructing the Committee on Finance to inquire into the expediency of dispensing with the assessment in States assuming the payment of the Confederate tax, by authorizing the Secretary of the Treasury, in conjunction with the proper authorities, to assess the tax;

which was read and agreed to.

Mr. Garland offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of so amending the sequestration act as to exempt the property of free negroes who were compelled by the laws of the slave States to leave and seek homes in the free States;

which was read and agreed to.

Mr. Morton presented the memorial of the postmaster at Pensacola, Fla.; which was referred to the Committee on Postal Affairs, without being read.

Mr. Crawford presented the memorial of a chaplain in the Confederate Army; which was referred to the Committee on Military Affairs, without being read.

Mr. Conrad offered the following resolution; which was read and was not agreed to, to wit:

*Resolved*, That the chairman and two members of a standing committee shall constitute a quorum.

Mr. Brooke introduced

A bill to establish certain post routes in the State of Mississippi; which was read first and second times and referred to the Committee on Postal Affairs.

Mr. Smith of North Carolina introduced

A bill to amend an act entitled "An act to establish a uniform rate [rule] of naturalization for persons enlisted in the armies of the Confederate States;"

which was read first and second times and referred to the Committee on the Judiciary.

Mr. Jones presented a joint resolution of the legislature of Tennessee concerning the increase of the pay of private soldiers; which was read and referred to the Committee on Military Affairs.

Mr. Tyler presented the memorial of merchants of Norfolk, Va., asking a modification of the sequestration act; which was referred to the Committee on the Judiciary, without being read.

Also, a report of the committee of the Virginia Convention; which was referred to the Committee on Naval Affairs, without being read.

Mr. Miles, from the Committee on Military Affairs, to whom was referred the special report of the Secretary of War, reported and recommended the passage of

A bill to encourage the enlistment of volunteers for the war.

The first section of the same being under consideration; which is as follows, to wit:

SECTION 1. *Be it enacted by the Congress of the Confederate States*, That a bounty of fifty dollars shall be paid at the time of reenlistment to all troops now enlisted in the service of the Confederate States for twelve months, who shall prior to the expiration of their present term of service reenlist for the war; and that furloughs not exceeding sixty days shall be granted to troops so reenlisting at such times as, in the judgment of the said Secretary, may best comport with the exigencies of the public service.

Mr. Hemphill moved to amend the same by inserting after the word "dollars" the following words, to wit: "and transportation home and back."

The amendment was agreed to; and

On motion of Mr. Crawford, the further consideration of the bill was postponed, and the same ordered to be printed and made the special order for 1 o'clock to-morrow.

Mr. Harris, from the same committee, reported and recommended the passage of

A bill to amend an act to increase the military establishment of the Confederate States, and to amend an act for the establishment and organization of the Army of the Confederate States, approved May 16, 1861;

which was read the first and second times;

When,

Mr. Hale moved to lay the bill on the table; and

Mr. Crawford, at the instance of the State of Georgia, demanded

that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, Hale, and Jones. Nay: Messrs. Walker, McRae, and Robinson.

Arkansas—Nay: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Messrs. Morton and Owen.

Georgia—Yea: Messrs. Foreman, Crawford, Hill, and Wright. Nay: Mr. Stephens.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Orr, and Harrison.

North Carolina—Yea: Messrs. Smith and Craige. Nay: Messrs. Avery, McDowell, Venable, Morehead, and Davidson.

South Carolina—Nay: Messrs. Rhett, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. Jones, De Witt, Currin, and Caruthers. Nay: Messrs. House and Thomas.

Texas—Nay: Mr. Hemphill.

Virginia—Yea: Messrs. William B. Preston, Boteler, and Russell. Nay: Messrs. Seddon, Macfarland, Boccock, Rives, Scott, Brockenbrough, Johnston, and Walter Preston.

The following States voting in the affirmative:

Alabama, Florida, Georgia, and Tennessee, 4.

Those voting in the negative are,

Arkansas, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 7.

The State of Missouri not voting.

So the motion was not agreed to.

The first section of the bill being under consideration; which is as follows, to wit:

*The Congress of the Confederate States do enact, That so much of the eighth section of the above-entitled [act] as authorizes the appointment by the President of ten cadets, to be selected at large from the Confederate States, be, and the same is hereby, repealed; and in lieu thereof the President shall appoint twenty cadets, to be selected at large from the Confederate States and Territories thereof, the District of Columbia, and the border slave States.*

Mr. Crawford moved to amend the same by striking out therefrom the words "District of Columbia;" and

Mr. Johnson of Arkansas, at the instance of his State, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, Robinson, and Jones. Nay: Messrs. Walker and Hale.

Arkansas—Nay: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Foreman and Crawford. Nay: Messrs. Hill and Stephens.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, Orr, and Harrison.

North Carolina—Yea: Messrs. Smith and Venable. Nay: Messrs. Avery, McDowell, Morehead, and Davidson.



South Carolina—Nay: Messrs. Rhett, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. House, Jones, De Witt, Currin, and Caruthers. Nay: Mr. Thomas.

Texas—Nay: Mr. Hemphill.

Virginia—Yea: Messrs. Seddon and William B. Preston. Nay: Messrs. Macfarland, Bocoek, Rives, Scott, Boteler, Russell, Johnston, Staples, and Walter Preston.

Those States voting in the affirmative are,  
Alabama, Florida, and Tennessee, 3.

Those in the negative are,  
Arkansas, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 7.

The State of Georgia being divided and the State of Missouri not voting.

So the motion did not prevail.

Mr. Crawford moved to amend by striking out the word "twenty" and inserting in lieu thereof the word "ten."

The motion was not agreed to.

Mr. Crawford moved further to amend by adding to the end of the section the following proviso, to wit:

*Provided*, That said appointments shall be first made from the list of young men who are already in the service of the Confederacy as privates or noncommissioned officers, and to the sons of those who have died in the service of the Confederacy.

Mr. Walker called the question, which was upon agreeing to the amendment proposed by Mr. Crawford;

When,

Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Curry, Chilton, Hale, Robinson, and Jones. Nay: Mr. McRae.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Foreman, Crawford, Wright, and Stephens. Nay: Mr. Hill.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, and Sparrow.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, Orr, and Harrison.

Missouri—Yea: Messrs. Bell, Conrow, and Vest.

North Carolina—Nay: Messrs. Davis, Avery, Venable, Morehead, and Davidson.

South Carolina—Nay: Messrs. Rhett, Miles, and Boyce.

Tennessee—Yea: Messrs. Jones, De Witt, Currin, and Caruthers. Nay: Messrs. House and Thomas.

Texas—Yea: Mr. Hemphill.

Virginia—Yea: Messrs. William B. Preston, Macfarland, and Rives. Nay: Messrs. Seddon, Bocoek, Scott, Brockenbrough, Staples, and Walter Preston.

The following States voted in the affirmative:

Alabama, Arkansas, Florida, Georgia, Missouri, Tennessee, and Texas, 7.

Those voting in the negative are,

Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, 5.

So the amendment was agreed to, and the section as amended reads as follows, to wit:

*The Congress of the Confederate States do enact*, That so much of the eighth section of the above-entitled act as authorizes the appointment by the President of ten cadets, to be selected at large from the Confederate States, be, and the same is hereby, repealed; and in lieu thereof the President shall appoint twenty cadets, to be selected at large from the Confederate States and Territories thereof, the District of Columbia, and the border slave States: *Provided*, That said appointments shall be first made from the list of young men who are already in the service of the Confederacy as privates or noncommissioned officers, and to the sons of those who have died in the service of the Confederacy.

The question then recurring upon the ordering of the bill to be engrossed for a third reading, and the vote having been taken, the bill was ordered to be engrossed for a third reading.

Mr. Avery moved to reconsider the vote by which the Congress ordered the bill to be engrossed for a third reading; and

On motion of Mr. Avery,

Congress adjourned until 12 m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before the body the following communications from the President, viz:

RICHMOND, VA., *December 2, 1861.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

#### ADJUTANT-GENERAL'S DEPARTMENT.

##### *Lieutenant-colonels.*

John M. Jones, of North Carolina, to take rank September 4, 1861.  
William W. Mackall, of Texas, to take rank September 9, 1861.  
S. S. Anderson, of Virginia, to take rank October 2, 1861.  
George W. Lay, of Virginia, to take rank October 7, 1861.  
J. T. L. Preston, of Virginia, to take rank October 22, 1861.

##### *Majors.*

R. H. Riddick, of North Carolina, to take rank September 2, 1861.  
R. H. Anderson, of Georgia, to take rank September 4, 1861.  
Pollok B. Lee, of Tennessee, to take rank September 2, 1861.  
Alex. M. Jackson, of Texas, to take rank August 19, 1861.  
Jasper S. Whiting, of ———, to take rank September 9, 1861.  
Richard N. Snowden, of Maryland, to take rank September 23, 1861.  
William F. Nance, of South Carolina, to take rank September 23, 1861.  
J. W. Daniel, of Virginia, to take rank September 23, 1861.  
George G. Garner, of Louisiana, to take rank September 27, 1861.  
J. W. Ratchford, of North Carolina, to take rank September 30, 1861.  
James H. Hill, of Mississippi, to take rank October 2, 1861.  
Alexander Casseday, of Kentucky, to take rank October 4, 1861.  
J. W. Balfour, of Mississippi, to take rank October 9, 1861.  
Paul J. Quattlebaum, of South Carolina, to take rank October 30, 1861.  
Samuel W. Melton, of South Carolina, to take rank November 7, 1861.  
E. A. Palfrey, of Louisiana, to take rank November 7, 1861.  
A. S. Cunningham, of Virginia, to take rank November 18, 1861.  
George Williamson, of Louisiana, to take rank November 16, 1861.  
J. E. Slaughter, of Tennessee, to take rank November 16, 1861.  
W. A. Quarles, of ———, to take rank October 24, 1861.

*Captains.*

Archer Anderson, of Virginia, to take rank September 2, 1861.  
 Francis H. Jordan, of Virginia, to take rank September 2, 1861.  
 W. D. Pickett, of Tennessee, to take rank September 2, 1861.  
 William S. Barry, of Mississippi, to take rank September 9, 1861.  
 W. C. Whitthorne, of Tennessee, to take rank September 9, 1861.  
 William J. Gayer, of Virginia, to take rank September 2, 1861.  
 Roscoe B. Heath, of Virginia, to take rank September 2, 1861.  
 Henry P. Brewster, of Texas, to take rank September 11, 1861.  
 G. M. Sorrel, of Virginia, to take rank September 11, 1861.  
 F. Gardner, of Virginia, to take rank September 11, 1861.  
 A. J. Waddy, of Virginia, to take rank September 11, 1861.  
 L. Tiernan Brien, of Virginia, to take rank September 24, 1861.  
 James D. Porter, of Tennessee, to take rank September 26, 1861.  
 L. D. Walker, of South Carolina, to take rank September 26, 1861.  
 Washington L. Riddick, of Virginia, to take rank September 2, 1861.  
 L. R. Page, of Mississippi, to take rank October 8, 1861.  
 A. L. Evans, of South Carolina, to take rank October 9, 1861.  
 R. H. Finney, of Virginia, to take rank October 11, 1861.  
 Henry E. Young, of South Carolina, to take rank October 14, 1861.  
 Gustavus A. Henry, jr., of Tennessee, to take rank October 18, 1861.  
 T. S. McIntosh, of Georgia, to take rank October 19, 1861.  
 Giles B. Cooke, of Virginia, to take rank October 29, 1861.  
 F. H. Robertson, of Louisiana, to take rank October 29, 1861.  
 George W. Ward, of Virginia, to take rank September 2, 1861.  
 Robert N. Wilson, of Virginia, to take rank November 2, 1861.  
 N. W. Wickliffe, of Kentucky, to take rank November 4, 1861.  
 George A. Mercer, of Georgia, to take rank November 16, 1861.  
 Henry A. Whiting, of Alabama, to take rank November 16, 1861.  
 George B. Hodge, of Kentucky, to take rank November 16, 1861.

RICHMOND, VA., *December 2, 1861.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

*Aids-de-camp, with rank of first lieutenant.*

Francis S. Bloom, of Georgia, to take rank September 5, 1861.  
 H. M. R. Fogg, of Tennessee, to take rank September 9, 1861.  
 D. Forney Withers, of Alabama, to take rank September 2, 1861.  
 H. I. Thornton, of Kentucky, to take rank September 6, 1861.  
 W. H. McCardle, of Mississippi, to take rank September 9, 1861.  
 William Norwood, of Virginia, to take rank September 11, 1861.  
 Charles Wood, of Virginia, to take rank September 11, 1861.  
 G. P. Smith, of Tennessee, to take rank September 9, 1861.  
 Richard Contee, of Maryland, to take rank September 11, 1861.  
 A. V. Vertner, of Mississippi, to take rank September 28, 1861.  
 S. H. Early, of Virginia, to take rank September 11, 1861.  
 John W. Graham, of North Carolina, to take rank September 13, 1861.  
 G. C. Brown, of Virginia, to take rank September 2, 1861.  
 Thomas [P.] Ochiltree, of Texas, to take rank July 9, 1861.  
 Robert Elliott, of Georgia, to take rank September 23, 1861.  
 Frank H. McNairy, of Tennessee, to take rank September 26, 1861.  
 George West, of North Carolina, to take rank September 30, 1861.  
 Joseph Lovell, of ———, to take rank September 28, 1861.  
 J. H. Morrison, of Virginia, to take rank October 4, 1861.  
 J. Edward Drayton, of South Carolina, to take rank October 4, 1861.  
 Charles F. Johnson, of Kentucky, to take rank October 4, 1861.  
 William C. Hall, of Maryland, to take rank October 9, 1861.  
 J. B. Girardey, of Louisiana, to take rank October 12, 1861.  
 John W. Hinsdale, of ———, to take rank October 18, 1861.  
 F. S. Parker, of South Carolina, to take rank October 24, 1861.  
 W. Sidney Winder, of Maryland, to take rank October 29, 1861.  
 E. C. Sulivane, of Mississippi, to take rank October 29, 1861.

William W. Johnson, of Arkansas, to take rank October 29, 1861.  
 John Preston, jr., of South Carolina, to take rank October 29, 1861.  
 A. J. Toutant, of Louisiana, to take rank October 29, 1861.  
 Thomas Hawkins, of Kentucky, to take rank October 30, 1861.  
 Richard G. Byrd, of Virginia, to take rank October 31, 1861.  
 Thomas J. Noble, of South Carolina, to take rank November 2, 1861.  
 A. R. Chisolm, of South Carolina, to take rank November 6, 1861.  
 George Jenkins, of Virginia, to take rank November 7, 1861.  
 Calhoun Haile, of Mississippi, to take rank November 9, 1861.  
 Joseph Heyward, of South Carolina, to take rank November 16, 1861.  
 W. W. Porter, of Kentucky, to take rank November 18, 1861.  
 E. C. Anderson, of Georgia, to take rank November 16, 1861.  
 J. W. Mallet, of Alabama, to take rank November 16, 1861.  
 A. S. Pendleton, of Virginia, to take rank November 16, 1861.  
 W. H. Rogers, of South Carolina, to take rank November 16, 1861.  
 Horace Randal, of Texas, to take rank November 16, 1861.  
 James G. Martin, of Tennessee, to take rank November 16, 1861.  
 S. N. Dale, of Virginia, to take rank November 16, 1861.  
 Joseph F. Belton, of Florida, to take rank November 16, 1861.

RICHMOND, VA., *December 2, 1861.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

*Adjutants, with the rank of first lieutenants.*

Woodbury Wheeler, of North Carolina, to take rank September 2, 1861.  
 T. G. Barker, of South Carolina, to take rank September 2, 1861.  
 James H. Lawrence, of Georgia, to take rank September 2, 1861.  
 V. Q. Johnson, of Tennessee, to take rank September 19, 1861.  
 John Reily, of Texas, to take rank September 23, 1861.  
 James M. Davis, of South Carolina, to take rank September 23, 1861.  
 Graham Daves, of North Carolina, to take rank September 23, 1861.  
 J. M. Poteat, of North Carolina, to take rank September 23, 1861.  
 William M. Bruce, of Arkansas, to take rank September 25, 1861.  
 Peter Fox, of Louisiana, to take rank September 28, 1861.  
 Thomas Phelan, of Georgia, to take rank September 28, 1861.  
 A. R. Harper, of Georgia, to take rank October 2, 1861.  
 Philip Cook, of Georgia, to take rank October 2, 1861.  
 William J. Ready, of South Carolina, to take rank October 2, 1861.  
 James W. Pegram, of Virginia, to take rank October 2, 1861.  
 Robert W. Eubank, of Virginia, to take rank October 2, 1861.  
 Charles Sanders, of Georgia, to take rank October 2, 1861.  
 R. H. Bassett, of Texas, to take rank October 2, 1861.  
 Joseph P. Minetree, of Virginia, to take rank October 4, 1861.  
 W. A. Brockenbrough, of Virginia, to take rank October 4, 1861.  
 John H. Willer, of Kentucky, to take rank October 4, 1861.  
 J. B. Muse, of Tennessee, to take rank October 7, 1861.  
 Lock Weems, of Alabama, to take rank October 7, 1861.  
 C. Flowerree, of Virginia, to take rank October 7, 1861.  
 Philip Cook, of Georgia, to take rank October 2, 1861.  
 Hugh Kerr, of Virginia, to take rank October 7, 1861.  
 William Thomas Black, of Georgia, to take rank October 7, 1861.  
 William H. Talley, of South Carolina, to take rank October 8, 1861.  
 Charles C. Wight, of Virginia, to take rank October 9, 1861.  
 R. L. Williams, of Virginia, to take rank October 10, 1861.  
 Joseph D. Sayers, of Texas, to take rank October 11, 1861.  
 Clifton Walker, of Alabama, to take rank October 12, 1861.  
 Joseph B. Cherry, of North Carolina, to take rank September 11, 1861.  
 E. O. Greenlaw, of Virginia, to take rank October 12, 1861.  
 John C. Fiser, of Mississippi, to take rank October 12, 1861.  
 John Shane, of Tennessee, to take rank October 14, 1861.  
 John R. Blocker, of Virginia, to take rank October 14, 1861.  
 John F. Neff, of Virginia, to take rank October 14, 1861.  
 W. G. Paxton, of Mississippi, to take rank October 15, 1861.



W. C. P. Carrington, of Missouri, to take rank October 18, 1861.  
W. H. Sthreshley, of Louisiana, to take rank October 18, 1861.  
E. W. Hoyle, of Georgia, to take rank October 18, 1861.  
Rufus E. Lester, of Georgia, to take rank September 21, 1861.  
D. A. McRae, of North Carolina, to take rank October 18, 1861.  
Robertson Taylor, of Virginia, to take rank October 18, 1861.  
William E. Watson, of Tennessee, to take rank October 18, 1861.  
D. R. Gurley, of Texas, to take rank October 18, 1861.  
A. O. Bacon, of Georgia, to take rank October 19, 1861.  
Henry C. Wood, of Alabama, to take rank October 21, 1861.  
J. L. Henry, of North Carolina, to take rank October 23, 1861.  
Edmund Atkinson, of Georgia, to take rank October 22, 1861.  
William N. Mercer, of Arkansas, to take rank October 22, 1861.  
O. O. Cobb, of Louisiana, to take rank October 22, 1861.  
J. J. Evans, of Louisiana, to take rank October 22, 1861.  
W. N. P. Otey, of Virginia, to take rank October 12, 1861.  
Robert Richardson, of Louisiana, to take rank October 22, 1861.  
E. C. Barthelemy, of Louisiana, to take rank October 22, 1861.  
Waller K. Martin, of Virginia, to take rank October 28, 1861.  
James Bumgardner, of Virginia, to take rank October 29, 1861.  
W. A. Cumming, of North Carolina, to take rank October 29, 1861.  
Jasper A. Smith, of Tennessee, to take rank October 29, 1861.  
John Allan, of Virginia, to take rank October 29, 1861.  
James S. Vann, of Arkansas, to take rank October 7, 1861.  
E. C. Hines, of North Carolina, to take rank November 5, 1861.  
Beall Hempstead, of Arkansas, to take rank November 5, 1861.  
Robert W. Hunter, of Virginia, to take rank November 5, 1861.  
R. E. Graves, of Kentucky, to take rank November 5, 1861.  
Richard E. Conner, of Mississippi, to take rank November 5, 1861.  
Ferdinand Siebert, of Texas, to take rank October 4, 1861.  
Thomas H. Dickson, of Mississippi, to take rank October 23, 1861.  
William H. Sellers, of Texas, to take rank November 8, 1861.  
G. A. Cary, of Virginia, to take rank November 8, 1861.  
Thomas C. Howard, of Texas, to take rank October 9, 1861.  
F. Stith, of Tennessee, to take rank November 16, 1861.  
James Gardner, of Georgia, to take rank November 6, 1861.  
Charles S. West, of Texas, to take rank November 14, 1861.  
E. Taliaferro, of Virginia, to take rank September 2, 1861.  
W. T. Stricklin, of Mississippi, to take rank October 16, 1861.  
R. T. Daniel, of Kentucky, to take rank November 16, 1861.  
Elias F. Travis, of Alabama, to take rank November 1, 1861.  
Samuel J. Garland, of Virginia, to take rank November 16, 1861.  
Guilford Nicholson, of North Carolina, to take rank November 16, 1861.  
W. M. Inge, of Mississippi, to take rank November 16, 1861.  
E. M. Crutchfield, of Virginia, to take rank November 16, 1861.  
John C. Rutherford, of Georgia, to take rank November 16, 1861.  
H. T. Miller, of Virginia, to take rank November 16, 1861.  
L. Pinckard, of Alabama, to take rank November 16, 1861.  
Thomas J. Pennybacker, of Virginia, to take rank November 16, 1861.  
John C. Pegram, of North Carolina, to take rank November 16, 1861.  
John D. Hyman, of North Carolina, to take rank November 16, 1861.  
T. Henderson Smith, of Virginia, to take rank November 18, 1861.  
D. S. Donelson, of Tennessee, to take rank November 18, 1861.  
J. T. Tosh, of Virginia, to take rank November 19, 1861.  
Alexander C. Haskell, of South Carolina, to take rank November 20, 1861.  
Walter Weir, of Virginia, to take rank November 21, 1861.  
John C. Smith, of Alabama, to take rank November 21, 1861.  
James C. Calhoun, of South Carolina, to take rank November 22, 1861.  
A. S. Scott, of Virginia, to take rank November 23, 1861.  
Roger Barton, of Mississippi, to take rank November 24, 1861.  
James P. Perkins, of Georgia, to take rank November 25, 1861.  
Walter Clark, of Louisiana, to take rank November 26, 1861.  
J. A. Girardeau, of Georgia, to take rank November 27, 1861.  
Dunstan E. Banks, of Georgia, to take rank November 28, 1861.  
Albert G. Smith, of Virginia, to take rank November 28, 1861.  
A. F. Grayson, of Virginia, to take rank November 28, 1861.

Mr. Rhett moved to lay the communications on the table, in order to enable him to offer the following resolution, viz:

*Resolved*, That it be referred to the Committee on the Judiciary to report to the Congress whether the original appointments made by the President of the Confederate States ought not to be acted upon first by this Congress unless the same shall be withdrawn by the President at his request and the consent of Congress.

The motion prevailed.

And the resolution was taken up and agreed to.

Mr. Miles, from the Committee on Military Affairs, to whom was referred the communication of the President of November 21, containing nominations referred to the committee, reported the same back and recommended that Congress advise and consent to the same.

On motion, the report was laid on the table for the present.

Congress then resumed legislative session.

## TWELFTH DAY—TUESDAY, DECEMBER 3, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Bocoock, by unanimous consent, introduced a resolution; which was read and unanimously adopted, as follows, to wit:

A resolution of thanks to Major-General Sterling Price and to the officers and soldiers under his command for gallant and meritorious conduct in the present war.

*Be it resolved by the Congress of the Confederate States of America*, That the thanks of the people of the Confederate States are eminently due, and are hereby tendered, to Major-General Sterling Price and the Missouri army under his command, for the gallant conduct they have displayed throughout their service in the present war, and especially for the skill, fortitude, and courage by which they gained the brilliant achievement at Lexington, Missouri, resulting, on the twentieth day of September last, in the reduction of that town and the surrender of the entire Federal army there employed.

*Be it further resolved*, That a copy of this resolution be communicated by the President to General Price, and, through him, to the army then under his command.

Congress then proceeded to the consideration of the unfinished business of yesterday, which was the motion of Mr. Avery to reconsider the vote by which the Congress ordered to be engrossed for a third reading

A bill to amend an act to increase the military establishment of the Confederate States, and to amend an act for the establishment and organization of the Army of the Confederate States, approved May 16, 1861.

And the vote having been taken thereon, the motion to reconsider was not agreed to.

The bill received its third reading, and the vote being taken on the passage of the same, the bill was lost.

On motion of Mr. Bocoock, Congress then resolved itself into executive session<sup>a</sup>; and having spent some time therein, again resolved itself into legislative session.

<sup>a</sup> The Journal of this executive session has not been found.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

The hour of 1 o'clock having arrived, Congress proceeded to the consideration of the special order of the day; which was the consideration of

A bill to encourage the enlistment of volunteers for the war;

When,

Mr. Miles moved to amend the same by striking out the words "and transportation home and back," after the word "dollars," and inserting the same after the word "days."

Mr. Sparrow moved to reconsider the vote by which the amendment of Mr. Hemphill was adopted.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution of thanks to Maj. Gen. Sterling Price and to the officers and soldiers under his command for gallant and meritorious conduct during the present war.

Mr. Stephens moved to postpone for the present the further consideration of the bill, for the purpose of introducing a bill relating to furloughs and discharges in certain cases.

The motion was agreed to, and the bill having received its first and second readings,

Mr. Miles moved to commit the same to the Committee on Military Affairs.

Mr. Stephens demanded the question; which was seconded, when Mr. Kenner, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit: .

Alabama—Yea: Messrs. Walker, Hale, and McRae. Nay: Messrs. Smith, Curry, Chilton, Robinson, and Jones.

Arkansas—Yea: Mr. Johnson. Nay: Messrs. Rust, Thomason, Garland, and Watkins.

Florida—Yea: Mr. Ward. Nay: Mr. Owens.

Georgia—Yea: Messrs. Crawford, Hill, Kenan, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, Kenner, and Sparrow.

Mississippi—Yea: Mr. Harrison. Nay: Messrs. Harris, Brooke, Orr, and Campbell.

Missouri—Yea: Messrs. Bell, Conrow, and Vest.

North Carolina—Yea: Mr. Avery. Nay: Messrs. Smith, McDowell, Venable, Morehead, and Davidson.

South Carolina—Yea: Messrs. Memminger and Miles. Nay: Mr. Boyce.

Tennessee—Yea: Messrs. House and Thomas. Nay: Messrs. Jones, De Witt, and Caruthers.

Texas—Yea: Messrs. Reagan and Ochiltree. Nay: Mr. Hemphill.

Virginia—Yea: Messrs. Seddon, Brockenbrough, and Staples. Nay: Messrs. William B. Preston, Macfarland, Boccock, Rives, and Walter Preston.

Those States voting in the affirmative are,

Louisiana, South Carolina, and Texas, 3.

Those in the negative are,

Alabama, Arkansas, Georgia, Mississippi, Missouri, North Carolina, Tennessee, and Virginia, 8.

The State of Florida being divided.

So the motion was not agreed to.

Mr. Conrad moved to amend the bill by inserting after the word "certificate" the following words, to wit:

of the Confederate States surgeon that such furlough is necessary to the restoration of his health, and any such soldier shall be entitled to a discharge on the certificate of such surgeon that he is permanently disabled.

Mr. Stephens called the question; which was seconded, and Mr. Harrison, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Hale, McRae, and Robinson.  
Nay: Messrs. Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Johnson and Watkins. Nay: Messrs. Rust, Thomason, and Garland.

Florida—Yea: Mr. Ward. Nay: Mr. Owens.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Crawford, Hill, Kenan, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Brooke and Harrison. Nay: Messrs. Harris, Orr, and Campbell.

Missouri—Nay: Messrs. Bell, Vest, and Conrow.

North Carolina—Yea: Mr. Venable. Nay: Messrs. Avery, Smith, McDowell, Morehead, and Davidson.

South Carolina—Yea: Messrs. Miles and Boyce.

Tennessee—Yea: Mr. House. Nay: Messrs. Jones, De Witt, Thomas, Currin, and Caruthers.

Texas—Yea: Messrs. Reagan and Ochiltree. Nay: Mr. Hemphill.

Virginia—Yea: Messrs. Seddon, Macfarland, and Brockenbrough.  
Nay: Messrs. William B. Preston, Bocoek, Staples, and Walter Preston.

Those States voting in the affirmative are,

Alabama, Louisiana, South Carolina, and Texas, 4.

Those in the negative are,

Arkansas, Georgia, Mississippi, Missouri, North Carolina, Tennessee, and Virginia, 7.

The State of Florida being divided.

So the amendment was not agreed to.

The bill was engrossed and read a third time, and Mr. Stephens called the question, which was on the passage of the bill; and the call being seconded, the vote was taken, and the bill was passed.

On motion of Mr. Brooke,

Congress then adjourned until 12 m. to-morrow.

THIRTEENTH DAY—WEDNESDAY, DECEMBER 4, 1861.

OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.



## SECRET SESSION.

Congress being in secret session.

Resumed the consideration of the unfinished business of yesterday; which was the consideration of the motion of Mr. Sparrow to reconsider the vote by which the amendment of Mr. Hemphill to the first section of a bill to encourage the enlistment of volunteers was adopted.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn:

EXECUTIVE DEPARTMENT,  
*Richmond, December 4, 1861.*

*Mr. President:* The President on yesterday approved and signed A resolution for the relief of the Lumberton Guards (Company D, Second Regiment North Carolina Volunteers); also

A resolution of thanks to Maj. Gen. Sterling Price and to the officers and soldiers under his command for gallant and meritorious conduct in the present war.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act regulating furloughs and discharges in certain cases.

Mr. William Ballard Preston moved to recommit the bill to the Committee on Military Affairs.

Mr. Rhett called the question; which was seconded, and Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Curry. Nay: Messrs. Walker, Smith, Chilton, Hale, McRae, Robinson, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Johnson.

Florida—Yea: Messrs. Ward and Owens.

Georgia—Yea: Messrs. Crawford, Hill, and Kenan. Nay: Mr. Foreman.

Louisiana—Yea: Messrs. Perkins and Conrad. Nay: Messrs. De Clouet and Kenner.

Mississippi—Nay: Messrs. Brooke, Orr, Harrison, and Campbell.

Missouri—Yea: Mr. Conrow. Nay: Mr. Vest.

North Carolina—Nay: Messrs. Avery, Smith, McDowell, Venable, Morehead, and Davidson.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett and Miles.

Tennessee—Yea: Messrs. De Witt, Currin, and Caruthers. Nay: Messrs. House, Atkins, and Jones.

Texas—Yea: Mr. Reagan. Nay: Messrs. Hemphill and Ochiltree.

Virginia—Yea: Messrs. William B. Preston, Boccock, Boteler, Staples, and Walter Preston. Nay: Messrs. Seddon, Macfarland, Rives, Brockenbrough, Russell, and Johnston.

Those States voting in the affirmative are,

Florida and Georgia, 2.

Those in the negative are,

Alabama, Mississippi, Missouri, North Carolina, South Carolina, Texas, and Virginia, 7.

The States of Arkansas, Louisiana, and Tennessee being divided.

So the motion was not agreed to.

The question then recurring upon the motion of Mr. Sparrow to reconsider the vote by which the amendment of Mr. Hemphill was adopted, the vote was taken, and the motion to reconsider prevailed.

Mr. Hemphill then moved to amend by inserting after the word "days" the following words, to wit: "and transportation home and back."

The amendment was agreed to.

Mr. Miles moved to amend by inserting after the word "times" the words "in such numbers."

The amendment was agreed to.

Mr. Jones moved to amend by inserting after the word "for" the following words, to wit: "three years, or for."

The amendment was agreed to.

Mr. Hill moved to amend by substituting in lieu of the first section the following, to wit:

*Be it enacted by the Congress of the Confederate States, That transportation home and back shall be granted to all troops now enlisted in the service of the Confederate States for twelve months, who shall prior to the expiration of their terms of service reenlist for the war; and that furloughs not exceeding sixty days shall be granted to troops so reenlisting at such times as, in the judgment of the Secretary of War, may best comport with the exigencies of the public service.*

Mr. Conrad, by general consent, moved that the Chair appoint two members to the Naval Committee in the places of Messrs. Ruffin and Oldham, now absent.

The motion was agreed to; and

On motion of Mr. Perkins,

Congress adjourned until 12 o'clock m. to-morrow.

## FOURTEENTH DAY—THURSDAY, DECEMBER 5, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Orr announced the presence of Alexander B. Bradford, a Delegate-elect from the State of Mississippi, who came forward, presented his credentials, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

The Chair presented a communication from the President; which was read and referred to the Committee on Military Affairs, and is as follows, to wit:

EXECUTIVE DEPARTMENT,  
Richmond, December 3, 1861.

*To the President of the Congress.*

SIR: In response to the resolution of the Congress of the 28th November ultimo, inquiring "whether any restrictions (and if so, what) have been placed upon vessels leaving the ports of the Confederate States, other than those imposed by law, and if any such have been imposed, by what authority," I herewith transmit copies of letters forwarded by the War Department, marked A, B, C, and D, which will show all the action taken on the subject of inquiry, and that no restrictions have been imposed other than those incident to a state of war, and which the public defense, as it was believed, not only justified, but demanded. It will be noted that the

instructions were given to an officer commanding the defensive line of a port threatened by the enemy's fleet, and related to articles usually recognized as the contraband of war.

JEFFERSON DAVIS.

The Chair also presented a communication from the Secretary of War in reply to a resolution of inquiry from the Congress as to the expediency of further regulations as to the arrest and punishment of soldiers; which was read and, on motion, was laid on the table.

The Chair also presented a communication from the President, transmitting to Congress the report of the Postmaster-General; which was referred to the Committee on Postal Affairs, without being read.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the consideration of the substitute offered by Mr. Hill for the first section of a bill to encourage the enlistment of volunteers for the war.

Mr. Chilton, by unanimous consent, presented the memorial of certain revenue officers; which was referred to the Committee on Naval Affairs, without being read.

Also, a memorial in regard to the fees of the clerks of the district courts; which was referred to the Committee on the Judiciary, without being read.

Also, a bill to dispense with the office of quartermaster of the Marine Corps; which was read first and second times and referred to the Committee on Naval Affairs.

Mr. Ward presented the memorial of A. B. Noyes; which was referred to the Committee on Commerce, without being read.

Mr. Hill, by general consent, was allowed to withdraw his amendment to a bill to encourage the enlistment of volunteers for the war, in order to introduce a substitute for the same; which is as follows, to wit:

SECTION 1. *Be it enacted by the Congress of the Confederate States*, That the pay of privates, now in the service of the Confederate States, enlisted for the war, shall be fifteen dollars a month, to be computed at that rate from the first day of January next, and that the pay of privates who shall hereafter enlist for the war, including all who are now enlisted, for a less time than the war, and who shall reenlist for the war, shall be the like sum of fifteen dollars a month, to be computed from the date of such enlistment for the war; and all troops now enlisted for a less time than the war, and who shall reenlist for the war, shall be entitled to furloughs not exceeding sixty days, with transportation home and back, at such times as in the judgment of the Secretary of War, may best comport with the exigencies of the public service.

SEC. 2. *Be it further enacted*, That the pay of officers in the military service of the Confederate States, above and including the grade of second lieutenant, shall be twenty-five per cent less than the pay now allowed by law, to be computed from the first day of January next.

Mr. Perkins moved to amend as follows, to wit, by striking out the words "a bounty of fifty dollars" and inserting in lieu thereof the words:

The pay of private soldiers in the Confederate Army, who have served twelve months, shall be fifteen dollars a month.

Mr. Vest announced the presence of Messrs. William M. Cooke and T. W. Freeman, Delegates-elect from the State of Missouri, who appeared, were duly qualified, and took their seats.

On motion of Mr. Conrad,

Congress then adjourned until 12 m. to-morrow.

## EXECUTIVE SESSION.

The Chair presented to the Congress the following communication from the President, viz:

RICHMOND, VA., December 4, 1861.

*To the Congress of the Confederate States:*

In the list sent for confirmation November 28 an error occurs which requires correction, viz, Stephen F. Hale, nominated lieutenant-colonel Eleventh Alabama Regiment, to take rank July 8, 1861, should be to take rank June 11, 1861.

JEFFERSON DAVIS.

which was referred to the Committee on Military Affairs.

The Chair also laid before Congress the following communication from the President, viz:

RICHMOND, VA., December 5, 1861.

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

## COMMISSARY DEPARTMENT.

*Majors.*

Joseph L. Locke, of Georgia; William Henry Smith, of Virginia; R. J. Moses, of Georgia; A. M. Lea, of Tennessee; A. M. Woodruff, of Arkansas; Thomas Peters, of Tennessee; Andrew J. Vaughn, of Maryland; Theodore Johnson, of Arkansas; Frank G. Ruffin, of Virginia; J. H. Claiborne, of Virginia; John C. McDonald, of Virginia; W. S. Munday, of Tennessee; A. H. Johnston, of Virginia; Richard T. Brownrigg, of Texas; George W. T. Kearsley, of —; F. R. Shackelford, of Virginia; J. J. Walker, of Alabama; John L. Brown, of Tennessee; Charles H. Smith, of Virginia; P. T. Glass, of Tennessee; John H. Chichester, of Alabama; Samuel T. Sawyer, of North Carolina; A. Davis, of Louisiana; B. H. Green, of Virginia; S. B. French, of Virginia; W. W. Morrison, of North Carolina; Samuel E. Barbee, of Tennessee; R. G. Fain, of Tennessee; G. M. Hillyer, of —; W. C. Wingfield, of Louisiana; John T. Wilson, of —; Henry L. Lyons, of Kentucky; Dabney Ball, of Virginia; W. H. Haynes, of Mississippi; Richard Hawes, of Kentucky; Robert W. Keyworth, of Texas; Joseph Kennedy, of South Carolina; S. A. Jones, of Mississippi; F. M. Jones, of Louisiana; Walter Jones, of Alabama; W. L. Lanier, of Kentucky; T. R. Jackson, of Tennessee; William H. Stewart, of Texas; John J. Murphy, of Tennessee; William J. Hawks, of Virginia; William F. Ayer, of South Carolina; Ed. McMahon, of Virginia; N. B. Pearce, of Kentucky.

*Captains.*

Albertis Wilkins, of Arkansas; George H. Shorter, of Alabama; J. H. F. Mayo, of Virginia; Parker Campbell, of Virginia; John S. Kennedy, of Alabama; Arthur C. Beard, of Alabama; Benjamin Wyman, of Alabama; John H. Coleman, of Alabama; Wyatt Oates, of Arkansas; Selevin B. Malone, of Mississippi; Browdie S. Crump, of Mississippi; Jesse R. Kirkland, of Mississippi; A. Milton Hawken, of Mississippi; D. P. McAllum, of Mississippi; T. B. Puckett, of Mississippi; Thomas L. Maxwell, of Louisiana; H. C. Cunningham, of Georgia; H. S. Hughes, of Georgia; J. B. Morgan, of Georgia; H. B. T. Montgomery, of Georgia; W. T. Wilson, of Georgia; Elias Yulee, of Florida; John A. Settle, of Texas; Thomas G. Brook, of Tennessee; Samuel M. McConnell, of Georgia; William M. Strickland, of Mississippi; W. H. Thomas, of Virginia; M. M. Copeland, of Virginia; T. J. Elford, of South Carolina; James W. Wade, of Mississippi; F. G. Ragland, of Mississippi; William H. Vasser, of Mississippi; Ferdinand Molloy, of Mississippi; John E. Bacon, of South Carolina; George E. Dennis, of Virginia; Alexander C. Jones, of Virginia; V. Howard Claiborne, of Virginia; Herbert A. Claiborne, of Virginia; S. B. French, of Virginia; George W. T. Kearsley, of Virginia; A. M. Smith, of Virginia; Thomas S. Barton, of —; Leigh Watkins, of Louisiana; H. G. Wilson, of Arkansas; John Hockenbulla, of Georgia; Richard F. Robertson, of Alabama; Thomas W. Francis, of Alabama; Isaac M. Partridge, of Mississippi; R. A. Reid, of Georgia; H. C. Guerin, of —; W. P. Stone, of Arkansas; Solomon Stephens, of Alabama; S. C. Elliott, of Virginia; H. E. C.



Baskerville, of Virginia; John H. Mangham, of Georgia; George C. Norton, of Georgia; H. M. Drane, of North Carolina; James F. Johnston, of North Carolina; James B. Chrisman, of Mississippi; John F. Heath, of Georgia; George B. Robertson, of —; John G. Edwards, of South Carolina; John P. Baldwin, of Florida; W. C. King, of North Carolina; James M. Morphis, of Texas; F. W. Henderson, of —; C. S. McKinney, of Virginia; Robert Vaughan, of Virginia; Fred. E. Bridge, of Louisiana; William E. Smead, of Tennessee; James H. Pawley, of South Carolina; R. O. Barrett, of Georgia; James M. Quinlan, of Missouri; T. M. Lumpkin, of Georgia; Thomas E. Ballard, of Virginia; P. A. Peebles, of Mississippi; Charles H. Rogers, of Georgia; John H. McCue, of Virginia; T. J. Wortenbaker, of Virginia; Hugh Brewster, of Georgia; Jesse R. Wickle, of Georgia; James W. Hackett, of North Carolina; M. A. Moore, of South Carolina; Sanders Glover, of South Carolina; Thomas Rector, of Arkansas; John H. Waytt, of North Carolina; James Field, of Virginia; James Verney, of Alabama; William Sherwood, of Virginia; W. H. Alexander, of North Carolina; John A. Williams, of North Carolina; George Whitman, of Louisiana; A. E. Wilson, of Virginia; Lucius Hilliard, of North Carolina; Richard C. Wintersmith, of Kentucky; B. P. Noland, of Virginia; G. W. Wightman, of North Carolina; L. F. Lucads, of Virginia; John E. Patterson, of Virginia; Charles Byrne, of Virginia; Ed. W. Bayly, of Virginia; C. W. Countz, of Virginia; M. N. McNeill, of North Carolina; A. A. Hughes, of Alabama; W. H. H. Minge, of Louisiana; W. S. Pemberton, of Arkansas; J. S. Wooster, of Louisiana; G. W. Buckner, of Louisiana; George M. Stubinger, of Louisiana; D. F. Boyd, of Louisiana; James G. Richardson, of Louisiana; J. M. Israel, of North Carolina; W. R. D. Moss, of Georgia; Jos. L. Keith, of Georgia; Thos. J. Bacon, of Georgia; W. E. Moore, of Arkansas; R. H. Moseley, of Virginia; George H. Cheever, of Georgia; Edmund J. Lloyd, of —; Francis Q. Metage, of Louisiana; John L. Strong, of Mississippi; H. Shepherd, of North Carolina; W. H. Houston, of Virginia; D. G. Meade, of —; Thomas Robinson, of —; B. F. Rust, of Virginia; Adam Bear, of Virginia; P. B. Moffett, of Virginia; George Kinsley, of Virginia; George H. King, of Georgia; George Westant, of Georgia; Daniel T. Caraway, of North Carolina; John S. Ryan, of South Carolina; William Waller, of Virginia; Edwin Smith, of Virginia; W. C. Grier, of Tennessee; James E. Munehum, of Tennessee; Thomas H. Hartmus, of Tennessee; R. M. Jarnghan, of Tennessee; J. S. Ridley, of Tennessee; James C. Davis, of Tennessee; William J. Wood, of Tennessee; John C. Ruby, of Virginia; Robert C. Forsythe, of Alabama; J. R. Benson, of Alabama; Dawson Blanchard, of Louisiana; R. H. Herbert, of Mississippi; Alex. P. Sperry, of Virginia; Jos. C. Sexton, of Virginia; H. C. Trader, of North Carolina; J. C. Waddy, of Georgia; A. F. Edwards, of South Carolina; William Weeden, of Florida; James M. Harper, of Virginia; A. J. Kennedy, of Georgia; James D. Westcott, of Florida; W. C. George, of Virginia; J. H. Muse, of Virginia; Keenan T. Terrell, of Georgia; William B. Edmunds, of Virginia; William H. Slover, of Tennessee; Jackson Wainer, of —; Albion Martin, of Virginia; Alfred B. Smith, of Georgia; T. K. Handy, of Tennessee; Richard Crump, of Virginia; J. M. Kirkland, of South Carolina; V. M. Brown, of Virginia; George Chamberlain, of Virginia; J. L. Fare, of Tennessee; John S. Mayo, of Virginia; P. D. Warlick, of Tennessee; J. D. Rogers, of Mississippi; W. C. Donnell, of Arkansas; John W. Moore, of North Carolina; H. R. Shorter, of Alabama; G. P. Summers, of Tennessee; James E. Givens, of Tennessee; George J. Atkinson, of Tennessee; G. W. Menees, of Tennessee; B. L. Wilkes, of Tennessee; S. E. Barber, of Tennessee; John D. Allen, of Tennessee; Albert G. Ewing, of Tennessee; Isaac N. Barnett, of Tennessee; George D. Martin, of Tennessee; M. M. Henkle, of Tennessee; Thomas O'Keefe, of Tennessee; Robert N. Smith, of Tennessee; Thomas H. Butler, of Tennessee; H. J. Walker, of Tennessee; J. W. Dawson, of Tennessee; Thomas Knox, of Virginia; Harvey Hammond, of South Carolina; McP. B. Miller, of Georgia; Enoch M. Lowe, of —; Charles A. McDonald, of North Carolina; E. B. Settle, of Texas; John D. Hyman, of North Carolina; Jos. C. Airey, of Alabama; Robert D. Walker, of Georgia; Jas. S. Gribble, of Tennessee; Robert Henderson, of Mississippi; Abraham Carr, of Mississippi; Ed. A. Owens, of Mississippi; John C. Carter, of Alabama; Bernard L. Wolf, of —; E. A. Rabb, of South Carolina; Virgil L. Hopson, of Georgia; J. J. McCornack, of Mississippi; Phineas Horton, of North Carolina; John D. Richardson, of Virginia; John M. Orr, of Virginia; Josiah Carter, of Virginia; R. C. Williams, of Virginia; Samuel H. Henry, of Virginia; E. H. Rowe, of Virginia; Robert Walton, of Georgia; John H. Dunlavy, of Virginia; Albert McDaniel, of Virginia; Horace W. Jones, of Virginia; James P. Sawyer, of North Carolina; James W. Green, of Virginia; Francis W. Reid, of Georgia; Charles D. Owens, of Georgia; Hardy B. Willis, of Tennessee; Abram Loller, of Arkansas; D. A. Nolen, of Louisiana; W. C. Dowd, of North Carolina; Charles Y. Bush, of Mississippi; N. S. Hill, of —; William H. Morrill, of North Carolina; James H. Willis, of Georgia; Daniel T. Webster, of Alabama; Solomon Gardner, of Arkansas; R. T. Bennett, of North Carolina; James C. Bryan, of

Alabama; James R. Armstrong, of Texas; R. C. Nichols, of Virginia; P. C. Hungerford, of Virginia; James A. Johnston, of Virginia; George T. Shaw, of Kentucky; Henry L. Briscoe, of Virginia; W. W. Herbert, of Virginia; Benjamin J. Harrison, of Virginia; R. Henley, of Virginia; W. J. Johnson, of Virginia; W. G. Williams, of Virginia; J. S. Melvin, of Virginia; John A. Selden, of Virginia; Henry Harney, of Virginia; Thacker Rogers, of Virginia; Huston Estill, of Virginia; A. W. Mathews, of Virginia; George W. Dillingham, of Georgia; A. M. Gibson, of Alabama; C. McClanaghan, of South Carolina; Nicholas Gibbon, of North Carolina; Thomas M. Owen, of Texas; M. D. L. McLeod, of North Carolina; Stephen E. Yerby, of Arkansas; J. Davidson, of Arkansas; Robert Maloney, of Arkansas; E. G. Williams, of Mississippi; A. M. Green, of Mississippi; G. W. Scott, of Louisiana; James Campbell, of Louisiana; Ferrell Henshaw, of Alabama; Pleasant Armstrong, of South Carolina; Thomas Lanegan, of North Carolina; S. C. Curry, of Alabama; Walter J. Dayle, of Tennessee; Samuel T. Williams, of Virginia; J. L. Pendleton, of Virginia; W. H. Eltner, of Arkansas; Fred. A. Kerr, of Arkansas; John B. Bainhill, of Tennessee; W. B. Myers, of North Carolina; W. A. J. Miller, of Virginia; W. A. Bradford, of Virginia; A. C. Massenburg, of North Carolina; Thomas T. A. Lyon, of Alabama; E. D. Scales, of North Carolina; W. D. C. Lloyd, of Mississippi; Thomas B. Reed, of Mississippi; James N. Garnaway, of Mississippi; Edwd. H. Armistead, of Alabama; A. G. Summers, of Florida; W. O'Harvie, of Virginia; E. B. Carruth, of Mississippi; J. J. Halsey, of Virginia; F. L. Hale, of Virginia; N. T. N. Robinson, of Louisiana; Floyd Williams, of Tennessee; D. W. Davis, of Tennessee; Lloyd Bullen, of Tennessee; A. E. Lassel, of Louisiana; Lewis McGuire, of Georgia; R. H. Cannon, of Georgia; E. S. Wilson, of Tennessee; Timothy Rives, of Virginia; George Proctor, of Arkansas; Clinton McCarty, of Kentucky; J. C. Holland, of Tennessee; Francis Lanegan, of Arkansas; E. P. Turner, of Tennessee.

The communication was laid on the table.

The Chair also laid before Congress the following communication, viz:

RICHMOND, December 4, 1861.

*To the Congress of the Confederate States:*

The nominations sent to the Congress at the last session not having been acted on, I respectfully request that they be returned that they may be replaced by fuller and more perfect lists, prepared for submission to your action at the present session.

JEFFERSON DAVIS.

On motion of Mr. Rhett,

Congress consented to grant the request, and the Secretary of Congress was authorized to return the nominations to the President.

Mr. Hale, from the Committee on the Judiciary, to which was referred a resolution of instruction to report "whether the original appointments made by the President ought not to be first acted on by Congress, unless the same shall be withdrawn by the President at his request and the consent of Congress," reported that in the opinion of the committee it is the duty of Congress to act upon nominations sent in to them by the President, and that nominations, after they are so sent in, can not be altered or modified by the Executive until first withdrawn by the President with the consent of Congress, and therefore that the Congress should act upon the nominations first sent in to them by the President, unless they shall have been withdrawn as above indicated.

On motion of Mr. Rhett,

The report was laid on the table; and

Congress then resumed legislative session.

## FIFTEENTH DAY—FRIDAY, DECEMBER 6, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Vest announced the presence of Thomas A. Harris, a Delegate-elect from the State of Missouri, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. Currin offered a resolution of thanks to Major-General Polk, Brigadier-Generals Pillow and Cheatham, and the officers and soldiers under their command; which was read first and second times, engrossed, read third time, and passed unanimously.

Mr. Venable, at his own request, was by common consent excused from serving on the Committee on Foreign Affairs.

Mr. Venable offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the commissioners for the State of Kentucky accredited to the Provisional Government of the Confederate States be invited to seats on this floor.

Mr. Vest introduced a resolution; which was read and agreed to, to wit:

*Resolved*, That John B. Clark and R. L. Y. Peyton be admitted to seats in this Congress from the State of Missouri as Delegates at large.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the consideration of the amendment of Mr. Perkins to the first section of a bill to encourage the enlistment of volunteers for the war.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Under the resolution of Mr. Conrad of Wednesday the Chair appointed the following members on the Committee on Naval Affairs, viz:

Messrs. McRae of Alabama and Venable of North Carolina.

Mr. Rhett called the question, which was upon agreeing to the amendment offered by Mr. Perkins.

The call was not sustained.

After discussion Mr. Atkins called the question; and the call being seconded, the question was put, and the amendment was not agreed to.

Mr. William Ballard Preston moved to amend by adding the following words to the first section, to wit:

That the pay of privates so enlisting and of those already enlisted, or who may hereafter enlist for three years or the war, shall be fifteen dollars per month, to commence, in the case of those already enlisted for three years or for the war, at the expiration of twelve months from the period of their enlistment.

And upon the adoption of the amendment he demanded that the yeas and nays of the whole body be recorded.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution of thanks to Major-General Polk, Brigadier-Generals Pillow and Cheatham, and the officers and soldiers under their command.



Mr. Jones of Tennessee moved to amend by striking out the amendment of Mr. Preston and substituting in lieu thereof the following words, to wit:

That the pay of all privates and noncommissioned officers who shall reenlist under the provisions of this act shall, in addition to the bounty provided in the first section, be increased two dollars per month for the first year of their service after said reenlistment and four dollars per month thereafter.

That the like increase of pay per month shall be given to the privates and noncommissioned officers who are now in active service and shall have enlisted for three years or for the war, and to all privates and noncommissioned officers [who] shall hereafter enlist and be mustered into the service of the Confederate States for three years or for the war.

Mr. William Ballard Preston demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Curry, and McRae. Nay: Messrs. Chilton, Robinson, and Jones.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins. Nay: Messrs. Johnson and Rust.

Florida—Nay: Mr. Owens.

Georgia—Nay: Messrs. Foreman, Crawford, Hill, Kenan, and Stephens.

Louisiana—Yea: Messrs. Perkins and Kenner. Nay: Messrs. De Clouet, Conrad, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell. Nay: Mr. Orr.

Missouri—Yea: Messrs. Cooke, Conrow, and Freeman. Nay: Messrs. Bell, Harris, and Vest.

North Carolina—Yea: Messrs. Davis, McDowell, and Davidson. Nay: Messrs. Avery and Venable.

South Carolina—Yea: Mr. Miles. Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Messrs. Jones, Thomas, Currin, and Caruthers. Nay: Messrs. House, Atkins, and De Witt.

Texas—Yea: Messrs. Reagan and Hemphill. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Seddon, Scott, and Johnston. Nay: Messrs. William B. Preston, Macfarland, Bocoek, Rives, Brockenbrough, Russell, Staples, and Walter Preston.

Those States voting in the affirmative are,

Arkansas, Mississippi, North Carolina, Tennessee, and Texas, 5.

Those in the negative are,

Florida, Georgia, Louisiana, South Carolina, and Virginia, 5.

The States of [Alabama] and Missouri being divided.

So the amendment was not agreed to.

Mr. Sparrow moved to recommit the bill and pending amendments to the Committee on Military Affairs, and demanded the question; which was seconded;

When,

Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. McRae and Jones. Nay: Messrs. Walker, Curry, Chilton, and Robinson.

Arkansas—Yea: Messrs. Rust, Thomason, Garland, and Watkins. Nay: Mr. Johnson.

Florida—Yea: Mr. Owens.



Georgia—Yea: Messrs. Foreman, Crawford, Hill, Kenan, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Mr. Orr. Nay: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Bell, Cooke, Freeman, and Harris. Nay: Messrs. Conrow and Vest.

North Carolina—Yea: Messrs. Davis, Smith, McDowell, and Venable. Nay: Messrs. Avery and Davidson.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Miles and Boyce.

Tennessee—Yea: Mr. Jones. Nay: Messrs. Atkins, De Witt, Currin, and Caruthers.

Texas—Yea: Messrs. Reagan and Hemphill. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Macfarland, Rives, Scott, and Russell. Nay: Messrs. Seddon, William B. Preston, Bocoek, Brockenbrough, Johnston, Staples, and Walter Preston.

Those States voting in the affirmative are,

Arkansas, Florida, Georgia, Louisiana, Missouri, North Carolina, and Texas, 7.

Those in the negative are,

Alabama, Mississippi, South Carolina, Tennessee, and Virginia, 5.

So the motion to recommit prevailed.

The Chair presented a communication from the President, transmitting to Congress certain estimates of the Secretary of War; which were referred to the Committee on Military Affairs, without being read.

Mr. Macfarland presented the memorial of Messrs. Bell, Pace, and Lavender; which was referred to the Committee on the Judiciary, without being read.

Also, a bill to amend an act in regard to recruiting stations; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Kenan, from the Committee on Military Affairs, reported and recommended the passage of

A bill for the employment of hospital laundresses; which was read first and second times;

When,

Mr. Conrad moved to amend the same by inserting after the word "rates," in the clause authorizing the Secretary of War to employ laundresses for hospitals, the words "and in such numbers."

The amendment was agreed to,

And the bill was engrossed, read third time, and passed as amended.

Mr. Johnson moved that Congress do now proceed to the consideration of a resolution introduced by himself in relation to adjournment.

The motion was agreed to, and the resolution was taken up for consideration;

When,

Mr. Orr moved that Congress do now adjourn.

The motion did not prevail.

Mr. Johnson moved to amend the resolution by striking out therefrom the words "adjourn on the sixteenth day of" and "Monday, third of February, eighteen hundred and sixty-one," and by inserting the words "take a recess."

The amendments were agreed to;

When,

Mr. Miles moved to fill the blanks in the resolution with the words "sixteenth day of December" and the words "to fifteenth day of January."

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, that he had this day approved and signed

A resolution of thanks to Maj. Gen. Leonidas Polk, Brig. Gen. Gideon J. Pillow, Brig. Gen. Benjamin F. Cheatham, and the officers and soldiers under their command, for gallant and distinguished services in the present war.

Mr. Curry called the question, which was upon agreeing to the motion of Mr. Miles to fill the blanks in the resolution in relation to adjournment, and the call was sustained;

When,

Mr. Rust moved to lay the resolution on the table.

Pending which,

Congress, on motion of Mr. Orr,

Adjourned until 12 m. to-morrow.

## SIXTEENTH DAY—SATURDAY, DECEMBER 7, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Vest announced the presence of John B. Clark, Delegate-elect from the State of Missouri, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act for the employment of laundresses in military hospitals.

Mr. Harris, from the [Committee on] Military Affairs, by general consent, introduced and recommended the passage of

A bill to authorize the appointment of one or more officers to aid the President to sign commissions in the Army; which was read first and second times, engrossed, read third time, and passed.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the consideration of the motion of Mr. Rust to lay on the table the resolution of Mr. Johnson of Arkansas relative to the adjournment of Congress.

Mr. Curry called the question; which was seconded, when Mr. Venable, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Walker. Nay: Messrs. Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins. Nay: Mr. Johnson.

Georgia—Nay: Messrs. Foreman, Hill, Wright, Kenan, and Stephens.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Bradford, and Campbell. Nay: Mr. Harrison.

Missouri—Yea: Messrs. Cooke, Conrow, Bell, Freeman, Vest, Harris, and Clark.

North Carolina—Yea: Messrs. Davis and Venable. Nay: Messrs. Avery, Smith, McDowell, Morehead, and Davidson.

South Carolina—Yea: Messrs. Rhett and Boyce. Nay: Mr. Miles.

Tennessee—Yea: Mr. De Witt. Nay: Messrs. Jones, Thomas, Currin, and Caruthers.

Texas—Yea: Mr. Hemphill. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Seddon, William B. Preston, Brockenbrough, Russell, Johnston, and Staples. Nay: Messrs. Macfarland, Bocock, Rives, Scott, Boteler, and Walter Preston.

Those States voting in the affirmative are,  
Arkansas, Mississippi, Missouri, and South Carolina, 4.

Those in the negative are,

Alabama, Georgia, Louisiana, North Carolina, Tennessee, and Virginia, 6.

The State of Texas being divided, and the State of Florida not voting.

So the motion did not prevail.

Mr. Sparrow moved as a substitute for the resolution of Mr. Johnson of Arkansas the following, to wit:

*Resolved*, That the Congress will adjourn on Monday, the sixteenth instant, to meet again in Richmond on the sixteenth of January next, unless sooner called together by the President.

Mr. Perkins moved to lay the original resolution, with the substitute, on the table, and Mr. Miles called the question; which was seconded;

When,

Mr. Sparrow, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker and McRae. Nay: Messrs. Curry, Chilton, Robinson, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Mr. Morton.

Georgia—Yea: Mr. Hill. Nay: Messrs. Foreman, Crawford, Wright, Kenan, and Stephens.

Louisiana—Yea: Messrs. Perkins and Conrad. Nay: Messrs. De Clouet, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Bell, Cooke, Conrow, Harris, Freeman, and Vest.

North Carolina—Yea: Messrs. Davis and Venable. Nay: Messrs. Avery, Smith, McDowell, Morehead, and Davidson.

South Carolina—Yea: Messrs. Rhett, Miles, and Boyce.

Tennessee—Yea: Messrs. House and De Witt. Nay: Messrs. Atkins, Thomas, Currin, and Caruthers.

Texas—Yea: Messrs. Hemphill and Ochiltree.

Virginia—Yea: Messrs. Seddon, William B. Preston, Macfarland, Rives, Boteler, Brockenbrough, Russell, Johnston, and Staples. Nay: Messrs. Bocoock, Scott, and Walter Preston.

Those States voting in the affirmative are,  
Arkansas, Florida, Mississippi, Missouri, South Carolina, Texas, and Virginia, 7.

Those in the negative are,

Alabama, Georgia, Louisiana, North Carolina, and Tennessee, 5.

So the motion to lay on the table prevailed.

EXECUTIVE DEPARTMENT,  
*Richmond, December 7, 1861.*

*Mr. President:* The President has this day approved and signed  
An act for the employment of laundresses in military hospitals.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the appointment of one or more officers to aid the President to sign commissions in the Army.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Johnson of Arkansas introduced

A bill supplementary to an act for the sequestration of the property of alien enemies;  
which was read first and second times and referred to the Committee on the Judiciary.

Also, a bill to provide for the instruction and to increase the efficiency of the provisional forces of the Confederate States; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Thomason offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of commissioning at the date of their commencement of service assistant surgeons and assistant commissaries and quartermasters;

which was read and agreed to.

Also, a resolution relative to the amendment of the sequestration act; which was read and referred to the Committee on the Judiciary.

Mr. Foreman presented a memorial of sundry citizens of Savannah, Ga., praying relief from the provisions of the sequestration act; which was read and referred to the Committee on the Judiciary.

Mr. Conrad presented the memorial of citizens of New Orleans; which was [read] and referred to the Committee on the Judiciary.

Mr. Brooke introduced

A bill to amend an act for the sequestration of the property and estates of alien enemies;  
which was read first and second times and referred to the Committee on the Judiciary.

Mr. Rhett moved that the Chair fill the vacancy on the Committee on Foreign Affairs caused by the resignation of Mr. Venable.

The motion was agreed to.



Mr. Rhett also moved that the Chair assign to the new members of the Congress places upon such committees as he may think proper.

The motion was agreed to.

Mr. Brooke offered a resolution instructing the Committee on the Judiciary to inquire into the expediency of repealing the sequestration act, and introducing a confiscation bill; which was read and agreed to.

Mr. Campbell asked leave to withdraw from the hands of the Secretary of Congress the claim of [*sic*]; which was granted.

Mr. Davidson offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of so amending the sequestration act that estates held in trust by alien enemies for citizens of the Confederate States shall be exempt; which was read and agreed to.

Mr. Davis presented the memorial of several presidents of railroads in North Carolina; which was referred to the Committee on Military Affairs, without being read.

Mr. Smith of North Carolina introduced

A resolution instructing the Committee on the Judiciary to inquire if further legislation be necessary to give full jurisdiction to the district courts over prize vessels first carried into their [*sic*]; which was read first and second times and agreed to.

Mr. Morehead presented the memorial and resolutions of citizens of North Carolina in relation to the building of a railroad; which were referred to the Committee on Military Affairs, without being read.

Mr. McDowell presented the memorial of citizens of North Carolina; which was referred to the Committee on Finance, without being read.

Mr. Miles presented the proceedings of the Southern Commercial Convention; which was referred to the Committee on Finance, without being read.

Also, petition of sundry claimants for payment for work on new custom-house at Charleston, S. C.; which was referred to Committee on Claims, without being read.

Mr. De Witt introduced

A bill to establish certain post routes therein named; which was read first and second times and referred to the Committee on Postal Affairs.

Mr. Currin introduced

A bill to amend a bill for the sequestration of the property, estates, etc., of alien enemies; which was read first and second times and referred to the Committee on the Judiciary.

Also, a resolution instructing the Committee on Military Affairs to inquire into the expediency of appointing adjutants and commissaries from the ranks; which was read and agreed to.

Mr. Ochiltree presented the memorial of Judge Hill, of Texas; which was referred to the Committee on the Judiciary, without being read.

Mr. Hemphill offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of War be requested to report to this Congress the number of guns which have been transported to Texas for the defense of the coast of that State, the cost of such transportation, and what would have been the cost had a railroad from New Iberia, in Louisiana, to Orange, in Texas, been completed.

Also, a resolution to increase the pay of chaplains in the Army, and to allow such officer one ration per day; which was read and referred to the Committee on Military Affairs.

Mr. Seddon offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of so amending the sequestration act as to include banks and other corporations in Kentucky and Maryland, who may have aided in the war against the Confederate States; which was read and agreed to.

Mr. Staples introduced

A resolution instructing the Committee on the Judiciary to explain certain portions of the tax bill; which was read and agreed to.

Also, a resolution instructing the Committee on Postal Affairs to inquire into the expediency of increasing the compensation of postmasters whose offices are in the vicinity of the camps; which was read and agreed to.

Mr. Macfarland introduced

A resolution instructing the Committee on the Judiciary to inquire what legislation is necessary to protect citizens of the Confederate States against judgments rendered against them in the United States courts; which was read and agreed to.

Mr. Boteler presented the memorial of Thomas Maslin, agent, etc.; which was referred to the Committee on Claims, without being read.

Mr. Bocock presented

A resolution instructing the Committee on Postal Affairs to inquire into the expediency of establishing a certain post route; which was read and agreed to.

Mr. Russell presented

A resolution relating to Maryland; which was read and, on motion, placed on the Calendar and ordered to be printed.

Mr. Conrad offered the following resolution, to wit:

*Resolved*, That the President be requested to ascertain, if practicable, on what terms the States owning public lands would be willing to cede to the Confederate States so much of these as would enable Congress to give to each noncommissioned officer and private in the Army, and to each petty officer and seaman who shall serve during the war, or until disabled, sufficient land for a homestead.

Mr. Crawford moved to lay the resolution on the table, when Mr. Smith of Alabama called the question; which was seconded, and

Mr. Crawford, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, McRae, and Jones.

Arkansas—Yea: Messrs. Thomason and Garland. Nay: Mr. Johnson.

Georgia—Yea: Messrs. Foreman, Crawford, Hill, Wright, Kenan, and Stephens.

Louisiana—Yea: Messrs. Perkins, De Clouet, and Sparrow. Nay: Messrs. Conrad and Kenner.

Mississippi—Yea: Messrs. Harris, Orr, Harrison, and Campbell. Nay: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Conrow, Bell, Harris, and Freeman. Nay: Messrs. Clark, Cooke, and Vest.

North Carolina—Yea: Mr. Avery. Nay: Messrs. Smith, Venable, and Morehead.

South Carolina—Yea: Messrs. Miles and Boyce.

Tennessee—Yea: Messrs. House, Jones, De Witt, Currin, and Caruthers.

Texas—Yea: Mr. Hemphill. Nay: Mr. Oehiltree.

Virginia—Yea: Messrs. Seddon, William B. Preston, Macfarland, Rives, Scott, Boteler, Brockenbrough, and Russell. Nay: Mr. Walter Preston.

Those States voting in the affirmative are,  
Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, and Virginia, 9.

Those in the negative are,

North Carolina, 1.

The State of Texas being divided, and the State of Florida not voting.

So the motion to lay on the table prevailed.

EXECUTIVE DEPARTMENT,  
*Richmond, December 7, 1861.*

*Mr. President:* The President has this day approved and signed

An act to authorize the appointment of one or more officers to aid the President to sign commissions in the Army.

ROBERT JOSSELYN,  
*Private Secretary.*

On motion of Mr. Memminger, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session: and

On motion of Mr. Garland,

Adjourned until 12 m. on Monday.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before the body a communication from the President desiring to recall the nomination of Samuel H. Hempstead to be district attorney for the eastern district of Arkansas, and the return of his communication on the subject.

Congress consented to the request.

The Chair also laid before Congress a communication from the President, nominating the officers in the annexed list, agreeably to the recommendation of the Secretary of the Navy, to appointments in the Navy and Marine Corps of the Confederate States; which is as follows, viz:

*To the President of the Congress of the Confederate States of America:*

I nominate the officers named in the annexed list, agreeably to the recommendation of the Secretary of the Navy.

JEFFERSON DAVIS.

*Captain.*

Franklin Buchanan, of Maryland, late a captain in the Navy of the United States.

*Commanders.*

Charles H. McBlair, of Maryland, late a commander in the Navy of the United States.

John K. Mitchell, of Florida, late a commander in the Navy of the United States.

*Lieutenants.*

Henry K. Stevens, of Florida, late a lieutenant in the Navy of the United States.  
 George H. Bier, of Maryland, late a lieutenant in the Navy of the United States.  
 John Taylor Wood, of Louisiana, late a lieutenant in the Navy of the United States.  
 William P. A. Campbell, of Tennessee, late a lieutenant in the Navy of the United States.

Benjamin P. Loyall, of Virginia, late a lieutenant in the Navy of the United States.

*Surgeon.*

James Cornick, of Virginia, late a surgeon in the Navy of the United States.

*Paymaster.*

George H. Ritchie, of Virginia, late a paymaster in the Navy of the United States.

*Assistant paymasters.*

James O. Moore, of North Carolina; Richard Taylor, of Virginia; James E. Armour, of Alabama.

## MARINE CORPS.

*Captains.*

Jabez C. Rich, of Virginia, late a captain in the Marine Corps of the United States.  
 Algernon S. Taylor, of Virginia, late a captain in the Marine Corps of the United States.

*Lieutenants.*

Thomas P. Gwynn, of Virginia; James Thurston, of South Carolina; Francis H. Cameron, of North Carolina; Fergus Mac Ree, of Missouri; R. M. Ramsay, of Tennessee; John D. Fowler, of Alabama; David Bradford, of Mississippi.

The communication was referred to the Committee on Naval Affairs.

The Chair also presented the following communication in reference to the State of Kentucky, viz:

To the Hon. HOWELL COBB,  
*President of the Congress:*

I have the honor herewith to transmit a communication from the provisional governor of Kentucky, informing me of the appointment of commissioners on the part of that State to treat with the Government of the Confederate States of America for the recognition of said State and its admission into this Confederacy. Also, a communication from the president and members of the convention which declared the separation of Kentucky from the United States and adopted the provisional government as therein recited. Two of the three commissioners thus appointed have presented their credentials and submitted a proposition to enter upon negotiation for the admission of the State of Kentucky into the Confederacy.

Before entering upon such negotiation I have deemed it proper to lay the case before Congress and ask its advice.

The history of this controversy, involving the State of Kentucky, is so well known to Congress that it is deemed unnecessary to enter here into a statement of the various stages through which it has passed. It may, however, be proper to advert to the fact that in every form in which the question has been presented to the people of Kentucky, we have sufficient evidence to assure us that by a large majority their will has been manifested to unite their destinies with the Southern States whenever, despairing of the preservation of the Union, they should be required to choose between association with the North or the South.

In both the communications presented will be found a powerful exposition of the misrepresentation of the people by the government of Kentucky, and it has led me to the conclusion that the revolution in which they are engaged offered the only remedy within their reach against usurpation and oppression, to which it would be a reflection upon that gallant people to suppose that they would tamely submit.

That this proceeding for the admission of Kentucky into the Confederacy is wanting in the formality which characterized that of the States which seceded by the action of their organized government is manifest, indeed admitted, by terming it revolutionary. This imposes the necessity for examining the evidence to establish the fact that the popular will is in favor of the admission of the State into the Con-



federacy. To this end, I refer the Congress to the commissioners, who have presented to me many facts, which (if opportunity be afforded them) they will, no doubt, as freely communicate to the Congress.

The conclusion to which I have arrived is, that there is enough of merit in the application to warrant a disregard of its irregularity; that it is the people—that is to say, the State, who seek to confederate with us; that, though embarrassed, they can not rightfully be controlled by a Government which violates its obligations and usurps powers in derogation of the liberty which it was instituted to preserve; and that, therefore, we may rightfully recognize the provisional government of Kentucky, and, under its auspices, admit the State into the Confederacy.

In reaching this conclusion I have endeavored to divest myself of the sentiments which strongly attract me toward that State, and to regard considerations, military and political, subordinate to propriety and justice in the determination of the question. I now invite the early attention of Congress, that I may be guided by its advice in my action.

JEFFERSON DAVIS.

Ordinance of the Kentucky convention.

Whereas the Federal Constitution, which created the Government of the United States, was declared by the framers thereof to be the supreme law of the land and was intended to limit the powers of said Government to certain general specified purposes, and did expressly reserve to the States and people all other powers whatever; and the President and Congress have treated this supreme law of the Union with contempt, and usurped to themselves the power to interfere with the rights and liberties of the States and the people against the expressed provisions of the Constitution, and have thus substituted for the highest forms of rational liberty and constitutional government, a central despotism, founded upon the ignorant prejudices of the masses of Northern society, and, instead of giving protection with the Constitution to the people of fifteen States of this Union, have turned loose upon them the unrestrained raging passions of mobs and fanatics, and because we seek to hold our liberties, our property, our homes, and our families, under the protection of the reserved powers of the States, have blockaded our ports, invaded our soil, and waged war upon our people for the purpose of subjugating us to their will; and

Whereas our honor and our duty to posterity demand that we shall not relinquish our own liberty, and shall not abandon the right of our descendants and the world to the inestimable blessings of constitutional government: Therefore,

*Be it ordained*, That we do hereby forever sever our connections with the Government of the United States, and, in the name of the people, we do hereby declare Kentucky to be a free and independent State, clothed with all power to fix her own destiny and to secure her own rights and liberties; and

Whereas the majority of the legislature of Kentucky have violated their most solemn pledges, made before the election, and deceived and betrayed the people; have abandoned the position of neutrality assumed by themselves and the people, and invited into the State the organized armies of Lincoln; have abdicated the government in favor of the military despotism which they have placed around themselves, but can not control, and have abandoned the duty of shielding the citizens with their protection; have thrown upon our people and the State the horrors and ravages of war, instead of attempting to preserve the peace, and have voted men and money for the war waged by the North for the destruction of our constitutional rights; have violated the express words of the Constitution by borrowing five millions of money for the support of the war, without a vote of the people; have permitted the arrest and imprisonment of our citizens and transferred the constitutional prerogatives of the executive to a military commission of partisans; have seen the right of habeas corpus suspended without an effort for its preservation, and permitted our people to be driven in exile from their homes; have subjected our property to confiscation, and our persons to confinement in the penitentiary as felons, because we may choose to take part in a contest for civil liberty and constitutional government against a sectional majority waging war against the people and institutions of fifteen independent States of the old Federal Union, and have done all these things deliberately against the warnings and vetoes of the governor and the solemn remonstrances of the minority in the senate and house of representatives: Therefore,

*Be it further ordained*, That the unconstitutional edicts of a factious majority of a legislature thus false to their pledges, their honor, and their interests, are not law, and that such government is unworthy of the support of a brave and free people; and that we do therefore declare that the people are thereby absolved from all allegiance to said government, and that they have a right to establish any government which to them may seem best adapted to the preservation of their rights and liberties.

SECTION 1. The supreme executive and legislative power of the provisional government of this Commonwealth, hereby established, shall be vested in a governor and ten councilmen, one from each of the present Congressional districts, a majority of whom shall constitute a quorum to transact business. The governor and councilmen to be elected by the members of this convention in such manner as this convention may prescribe.

SEC. 2. The governor and council are hereby invested with full power to pass all laws necessary to effect the objects contemplated by the formation of this government. They shall have full control of the army and navy of this Commonwealth, and the militia thereof.

SEC. 3. No law shall be passed, or act done, or appointment made, either civil or military, by the provisional government, except with the concurrence of a majority of the council and approval of the governor, except as herein specially provided.

SEC. 4. In case of a vacancy in the gubernatorial office, occasioned by death, resignation, or any other cause, the council shall have power to elect a governor, as his successor, who shall not, however, be a member of their own body.

SEC. 5. The council hereby established shall consist of one person selected from each Congressional district in the State, to be chosen by this convention, who shall have power to fill all vacancies from any cause from the district in which such vacancy shall occur.

SEC. 6. The council shall have power to pass any acts which they may deem essential to the preservation of our liberty and the protection of our rights, and such acts, when approved by the governor, shall become law, and as such shall be sustained by the courts and other departments of the government.

SEC. 7. The governor shall nominate, and, by and with the advice and consent of the council, shall appoint all judicial and executive and other officers necessary for the enforcement of law and the protection of society under the extraordinary circumstances now existing, who shall continue in office during the pleasure of the governor and council, or until the establishment of a permanent government.

SEC. 8. The governor shall have power, by and with the consent and advice of the council, to conclude a treaty with the Confederate States of America, by which the State of Kentucky may be admitted as one of said Confederate States upon an equal footing in all respects with the other States of said Confederacy.

SEC. 9. That three commissioners shall be appointed by this convention to the Government of the Confederate States of America, with power to negotiate and treat with said Confederate States for the earliest practicable admission of Kentucky into the Government of said Confederate States of America, who shall report the result of their mission to the governor and council of this provisional government, for such future action as may be deemed advisable, and, should less than the full number attend, such as may attend may conduct such negotiation.

SEC. 10. So soon as an election can be held, free from the influence of the armies of the United States, the provisional government shall provide for the assembling of a convention to adopt such measures as may be necessary and expedient for the restoration of a permanent government. Said convention shall consist of one hundred delegates, one from each representative district in the State, except the counties of Mason and Kenton, each of which shall be entitled to two delegates.

SEC. 11. An auditor and treasurer shall be appointed by the provisional government, whose duties shall be prescribed by law, and who shall give bond with sufficient security for the faithful discharge of the duties of their respective offices, to be approved by the governor and council.

SEC. 12. The following oath shall be taken by the governor, members of the council, judges, and all other officers, civil and military, who may be commissioned and appointed by this provisional government: "I, \_\_\_\_\_, do solemnly swear (or affirm), in the presence of Almighty God, and upon my honor, that I will observe and obey all laws passed by the provisional government of Kentucky. So help me God."

SEC. 13. The governor shall receive, as his salary, \$2,000 per annum, and the councilmen, \$5 per diem, while in session, and the salary of the other officers shall be fixed by law.

SEC. 14. The constitution and laws of Kentucky, not inconsistent with the acts of this convention, and the establishment of this government, and the laws which may be enacted by the governor and council, shall be the laws of this State.

SEC. 15. That whenever the governor and council shall have concluded a treaty with the Confederate States of America, for the admission of this State into the Confederate Government, the governor and council shall elect two Senators, and provide by law for the election of members of the House of Representatives in Congress.

SEC. 16. The provisional government hereby established shall be located at Bowling Green, Ky., but the governor and council shall have power to meet at any other place that they may consider appropriate.

Done at Russellville, in the State of Kentucky, this 20th day of November, in the year of our Lord 1861.

(Signed) H. C. BURNETT,

*President of the convention, and member from Trigg County.*

R. McKEE,

*Secretary, and member from Louisville.*

T. L. BURNETT,

*Assistant secretary, and member from Spencer County.*

T. S. BRYAN,

*Assistant secretary, and member from Christian County.*

W. M. COFFEE, of Ballard County.

A. D. KINGMAN.

W. J. LUNSFORD.

J. J. CUNNINGHAM, of Grayson County.

JOHN J. GREEN.

J. P. BURNSIDE.

GEORGE W. MAXSON.

ROBERT S. FORD, of Hardin County.

WILLIAM JOHNSTON, of Hardin County.

WILLIAM W. THOMPSON, of Hart County.

W. S. SHOWDY, of Hart County.

J. J. GROVES, of Hart County.

J. W. CROCKETT, of Henderson County.

B. W. JENKINS, of Henry County.

L. M. LOWE, of Hopkins County.

GREEN MALCOLM, of Jefferson County.

B. K. HORNSBY, of Jefferson County.

WILLIAM K. DANIEL, of Jessamine County.

D. P. BUCKNER, of Kenton County.

C. BENNETT, of Livingston County.

C. N. PENDLETON, of Logan County.

JAMES M. BEALL, of Logan County.

JOHN W. MALONE, of Logan County.

E. D. RICKETTS, of Louisville, First district.

J. A. PENTON, of Louisville, Second district.

GEORGE P. TALBOT, of Louisville, Third district.

J. G. P. HOOE, of Louisville, Fourth district.

H. W. BRUCE, of Louisville, Fourth district.

R. McKEE, of Louisville, Fourth district.

R. L. COBB, of Lyon County.

WILLIS B. MACHEN, of Lyon County.

GEORGE R. MERRITT, of Lyon County.

J. C. GILBERT, of Marshall County.

WILLIAM E. RAY, of Marion County.

L. M. RAY, of Marion County.

MICHAEL McARTY, of Marion County.

JOHN BURNAM, of Warren County.

J. H. D. McKEE, of Anderson County.

JAMES A. McBRAYER, of Anderson County.

W. TOWSLEY, of Ballard County.

J. P. BATES, of Barren County.

R. W. THOMAS, of Barren County.

N. A. SMITH, of Barren County.

W. K. EDMUNDS, of Barren County.

C. W. PARRISH, of Barren County.

J. W. EVARTS, of Barren County.

WILLIAM F. BELL, of Barren County.

S. S. SCOTT, of Barren County.

W. R. CUNNINGHAM, of Bourbon County.

SAMUEL H. McBRIDE, of Boyle County.

DORSEY B. BOWERS.

WILLIAM N. GAITHER.

JAMES W. MOORE.  
HARDY S. LYPERT.  
L. K. CHILTON.  
JOHN J. THOMAS.  
ROBERT McKEE.  
STEPHEN EDWARDS.  
P. C. BARNETT.  
D. MATHEWSON, of Calloway County.  
P. S. HAMLIN, of Calloway County.  
T. M. JONES, of Calloway County.  
ALEXANDER WESSON, of Calloway County.  
FRANCIS W. DODDS, of Calloway County.  
WILLIAM T. MATHES, of Calloway County.  
C. A. DUNCAN, of Calloway County.  
A. J. HOLLAND, of Calloway County.  
H. L. GILTNER, of Calloway County.  
THOMAS T. BARRETT.  
ROBERT J. BRECKINRIDGE.  
J. S. GIBBON.  
R. B. ALEXANDER.  
E. R. WOODWARD, of Metcalfe County.  
E. M. BRUCE, of Nicholas County.  
J. J. CONOVER, of Owen County.  
OWEN DORSEY, of Oldham County.  
GEORGE W. JOHNSON, of Scott County.  
A. KEENE RICHARDS, of Scott County.  
WILLIAM B. CLARK, of Simpson County.  
B. W. WILLIAMS, of Simpson County.  
T. L. BURNETT, of Spencer County.  
J. A. RUSSELL, of Todd County.  
W. B. HARRISON, of Todd County.  
G. LINE, of Todd County.  
H. H. POSTON, of Trigg County.  
W. H. MURTRIE, of Trigg County.  
ROBERT WOLDRIDGE, of Trigg County.  
ANDREW CUNNINGHAM, JR., of Trigg County.  
J. Y. NEWKIRK, of Trimble County.  
WILLIAM D. RAY.  
WILLIAM J. PAYNE, of Union County.  
S. D. BLACKBURN, of Warren County.  
SANDFORD LYNE, of Woodford County.  
JOHN W. ARNETT.  
ROBERT A. BRECKENRIDGE, of Washington County.  
WARREN LYTTLETON JENKINS, of Webster County.  
THOMAS S. BRYAN, of Christian County.  
J. F. BELL, of Calloway County.  
A. R. BOONE, of Graves County.  
H. M. ROSE, of Graves County.  
J. A. PERTLE, of Graves County.  
J. D. SCAFF, of Graves County.  
JOHN RIDGWAY, of Graves County.  
BLANTON DUNCAN, of Louisville.  
PHILIP B. THOMPSON, of Mercer County.  
Z. McDANIEL, of Monroe County.  
W. N. WAND, of Muhlenburgh County.  
A. F. WILLIAMS, of McCroskin County.  
JOHN M. JOHNSON, of McCroskin County.  
WILLIAM G. BULLITT, of McCroskin County.  
H. H. HUSTON, of McCroskin County.  
JOHN Q. A. KING, of McCroskin County.  
WILLIAM E. MINER, of Nelson County.  
JOHN C. BRODHEAD, of Nelson County.  
JOHN J. DENNIS, of Calhoun, McLean County.  
J. L. GREGORY, of Calhoun, McLean County.



BOWLING GREEN, KY., November 21, 1861.

His Excellency JEFFERSON DAVIS,  
*President of the Confederate States of America.*

SIR: The convention which assembled at Russellville, Ky., on the 18th of this month, and which organized the provisional government of Kentucky, appointed the Hon. William Preston, the Hon. Henry C. Burnett, and the Hon. William E. Simms commissioners "to the Government of the Confederate States of America, with power to negotiate and treat with said Confederate States for the earliest practicable admission of Kentucky into the Government of said Confederate States of America," and I have the honor to accredit them to your Government for that purpose.

With assurances of my high regard and esteem, I am, sir, your obedient servant,

GEORGE W. JOHNSON,  
*Provisional Governor of Kentucky.*

BOWLING GREEN, KY., November 21, 1861.

His Excellency JEFFERSON DAVIS,  
*President of the Confederate States of America.*

SIR: The convention which assembled at Russellville on the 18th of this month, composed of delegates from sixty-eight counties, and which organized a provisional government for Kentucky, appointed the Hon. Henry C. Burnett, the Hon. William Preston, and the Hon. William E. Simms commissioners to treat with the Government of the Confederate States of America, for the recognition of this government and the admission of this State into said Confederacy upon an equal footing with the other States composing it.

The action of the people of this State, in thus organizing a provisional government for the protection of their rights of person and property, was based, as a necessity, upon the ultimate right of revolution possessed by all mankind against perfidious and despotic governments. A faction, which may be called "the war party of Kentucky," composed of the most of the members of the last Congress and a minority of the legislature, after surrounding themselves with an army of 8,000 Lincoln troops, forced a majority of their own body into caucus and there concocted and afterwards enacted in the legislature (against the vetoes of the governor and the remonstrances of the minority of the senate and house of representatives) a series of oppressive and despotic acts which have left us no alternatives except abject submission or manly resistance. The constitutional right of secession by the State, with organized government, from the ruins of the old Union, was not possible, because the power of adopting such manly and philosophic action was denied us by the enslaved members of the legislature, who not only submitted themselves to the despotism of the army, but betrayed their political opponents who relied upon their honor, and their own constituents, and the great body of the people of Kentucky who relied upon their pledges of neutrality. Secession being thus impossible, we were compelled to plant ourselves on a doctrine universally recognized by all nations—that allegiance is due alone to such governments as protect society, and upon that right which God himself has given to mankind, and which is inalienable, the right to destroy any government whose existence is incompatible with the interest and liberties of society. The foundation, therefore, upon which the provisional government rests is a right of revolution, instituted by the people, for the preservation of the liberty, the interests, and the honor of a vast majority of the citizens of Kentucky.

Our justification before the world for a resort to this ultimate right of revolution depends upon the facts constituting the necessity of its exercise. These facts will be placed before you by our commissioners, and to these facts we fearlessly invite your attention, and that of the great Government over which you preside. We considered our constitutional liberty and our personal honor worth more than life or property, and we have confidently staked them both upon the issue.

It is believed that the Confederate States of America will not refuse admission to a State whose sympathies and whose interests are identical with their own and whose geographical position is so important to the Confederacy merely because we have been unfortunately deprived of that right of constitutional secession which was so fortunately possessed, and so legitimately exercised, by themselves. There is no incompatibility between the right of secession by a State and the ultimate right of revolution by the people. The one is a civil right founded upon the Constitution; the other is a natural right resting upon the law of God. Mississippi legitimately exercised the right of secession for the preservation of her constitutional liberty. But if the State of Mississippi had corruptly refused to discharge her duty and treacherously made herself a part of the Northern despotism which threatens the

liberties of her people, would any philosophy deny to her citizens the right of revolution or any theory refuse her protection and admission within the Confederate States?

It is, indeed, philosophic and true that a State should exercise its right of peaceful secession for the preservation of the rights and institutions of its people; but it is neither philosophic nor true that because a people are deprived, by a perfidious State government, of the power of secession, that they therefore have no right to maintain their liberty and their honor by revolution. The admiration of mankind may be excited by a State firmly maintaining the rights of its people; but the manly determination of a people to vindicate their own liberties, at the hazard of life and fortune, against the despotic Government of the North, and against the power and resources of a base and perfidious State government, is not less noble and praiseworthy.

The provisional government of Kentucky is now the index of an almost universal sentiment in the State in favor of a permanent connection with the Confederate States, and the history of the last year, attentively studied, will demonstrate the truth of this assertion, even to a stranger. Since the election of Abraham Lincoln, with the exception of a few thousand emancipators and Abolitionists, the State of Kentucky has been divided into only two parties—the States Rights party and the Union party. It will be unnecessary to do more than assert that the States Rights party were all, and at all times, in favor of a connection with the South, for all candid men will admit it.

The first position assumed by the Union party, after the Presidential election, embraced these ideas: First, the preservation of the Union; second, the protection of Southern institutions by amendments of the Constitution; third, opposition to coercion of the South by arms; and fourth, a continued connection and common destiny with the South. At this period the Union party could not have stood one day if the leaders had dared to avow themselves in favor of Northern sentiment, or an ultimate connection with the North, in the event of a permanent dissolution of the Union.

After the failure of the peace conference, in consequence of the refusal of the Abolitionists to vote amendments to the Constitution for the protection of Southern property, the Union leaders still avowed themselves opposed to the coercion of the South; but they now advanced the idea of neutrality and peace for Kentucky during the war, and declared themselves in favor of an ultimate connection of the State with the South by a vote of the people. Thus, after the refusal of their abolition allies to give constitutional protection to Southern property, we have again a confession of the "Union leaders," embodied in their creed, that their party was in favor of an ultimate connection of the State with the South. This was the party creed at the last election in Kentucky, when members of Congress and members of the State legislature were chosen.

The final change in the Union party was now near at hand. The President and his counsellors refused to respect the neutrality of Kentucky, and determined to organize a force in Kentucky to hold the State and to pass over its territory, to strike a blow at the heart of the Southern Confederacy. Congress met, the Union members threw off disguise and voted men and money for the war. The indignation of the whole State was excited. The people were aroused, and the denunciations of the war tax and enlistments for the North were violent and extreme. The members of Congress were now secretly engaged in introducing and organizing an army. The leaders of the Union party now clearly perceived that they must shield themselves, by an army, from the indignation of the people. This idea was soon impressed upon those members of the legislature who were really in favor of an honest neutrality of Kentucky. They met in caucus and soon determined to protect themselves with the army, overawe their own constituents, and to pursue, without mercy, their political opponents. This is a simple and true history of the Union party of Kentucky, and under all its phases, except the last, it avowed its preference for the South; and in its last, the leaders suppressed the sentiment of their own party by the sword.

This recital is made for one purpose alone, and that is, to show that the whole body of the people of Kentucky have, in the last year, repeatedly avowed themselves in favor of an ultimate peaceful connection of the State, by a vote of the people, with the Confederate States. The Union leaders avowed the same intention until they had organized an army sufficient to protect themselves against the rage of the people.

The leaders of the States Rights party in Kentucky always knew that the people were with them on this question, and they hoped to the last that they would be able to expose the designs of the war faction, and thus carry with them the State government. The hope of being able to act with the forms of law made them risk everything till too late. No one could have anticipated the unparalleled audacity and treachery of the leaders of the Union party, when they violated their own position of neutrality and deliberately determined to plunge the State in war. Up to the last moment of safety we attempted to save the State by State action; and we did

this because we knew the people were almost unanimously with us as to the ultimate destiny of the State. This fact is also admitted by General Thomas in his report as to the condition of Kentucky.

How, then, can Your Excellency refuse admission to our State because the State Government has itself dared to betray the people, and left them no hope except in their own manly determination to maintain with arms their own liberties? Your own theory of government was dear to us. We were habitually accustomed to look to the State and State action for the redress of Federal wrongs. We wished to secede from the old Federal Union, with all the rights of Kentuckians guarded by all the forms of State government. We pursued this idea to the last. We adhered to this determination until the theory itself was lost in the treachery of the legislature, and until the State government had abandoned its people and indissolubly united itself with the public enemy.

For nearly two years no election can take place in Kentucky for members of the legislature. Should we have submitted during all this period to an anarchy, or to laws hostile to our people? Even then the sword would still have to be drawn to solve the question. When hope had left us, and when, perhaps, the independence and boundaries of the Confederate States were acknowledged and established, and the struggle was over—then to inaugurate a hopeless civil war would have been criminal, and we would have been, by our own honor, forced to go in exile from our own native State.

No theory, however sound, can demand this sacrifice. We come to you now, when it is honorable to do so, to offer you our assistance in a common cause, while peril surrounds us both, and to share with you a common destiny. It is not possible, in an age of honor, that the strong will respect the weak, because the people have risen up to vindicate that cause which was betrayed by the State.

We, therefore, hope that you will feel disposed to throw around this provisional government, in its infancy, the protection of the Confederate States of America. Let the preservation of constitutional government be alike the destiny and the glory of your great Confederacy. As a people long connected with you, we ask admission to your Government. In such a struggle, however, we will not in any event despair; but, believing that God Himself has so organized human society and interests as to implant forever in truth an irresistible power, even if you abandon us, we will fearlessly struggle on to the consummation of our own destiny.

With assurances of my high regard, I am, sir, your obedient servant,

GEO. W. JOHNSON.

Mr. Crawford offered the following resolution, viz:

*Resolved*, That the Honorable Henry C. Burnett and the Honorable William E. Simms, commissioners from the State of Kentucky to the Government of the Confederate States, be entitled to appear and communicate with this Congress on Monday next, at one o'clock, or at such other time as may be most agreeable to them, on the subject-matter of their mission;

which was agreed to.

On motion of Mr. Bocock, the message and documents were laid on the table until Monday next, at 1 o'clock p. m.

Congress then resumed legislative session.

## SEVENTEENTH DAY—MONDAY, DECEMBER 9, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Johns.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

The Chair announced the following names of the new members on the several committees, to wit:

On the Committee on Foreign Affairs—Messrs. Thomas of Tennessee and Clark of Missouri.



The Committee on Finance—Messrs. House of Tennessee and Conrow of Missouri.

The Committee on Commerce—Messrs. Currin of Tennessee and Cooke of Missouri.

Committee on the Judiciary—Messrs. Caruthers of Tennessee and Vest of Missouri.

Committee on Naval Affairs—Messrs. Jones of Tennessee and Cooke of Missouri.

Committee on Military Affairs—Mr. Harris of Missouri.

Committee on Postal Affairs—Messrs. Robinson of Alabama and Freeman of Missouri.

On Public Lands—Messrs. Bradford of Mississippi and Bell of Missouri.

On Indian Affairs—Messrs. Boteler of Virginia and Clark of Missouri.

On Territories—Messrs. De Witt of Tennessee and Bell of Missouri.

On Accounts—Mr. Cooke of Missouri.

On Printing—Messrs. Boteler of Virginia and De Witt of Tennessee.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

The Chair presented a communication relative to the flag of the Confederacy; which was referred to the Committee on the Flag and Seal, without being read.

Mr. Walker offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of so amending the sequestration act as to exempt from its operations the property of citizens of the United States who went to Europe before the breaking out of hostilities, etc.; which was read and agreed to.

Also, the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of War be requested to communicate to Congress a statement of the number of troops now in service, enlisted for the war, and of the States from which they have volunteered.

Mr. Curry presented a communication from a surgeon in an Alabama regiment; which was referred to the Committee on Military Affairs, without being read.

Mr. Smith of Alabama presented a communication from Samuel H. Lockett, a captain in the Army; which was referred to the Committee on Claims, without being read.

Mr. Garland introduced

A bill to provide for the payment of certain troops raised in the Indian country; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Owens presented the memorial of a receiver in the State of Florida; which was referred to the Committee on the Judiciary, without being read.

Mr. Perkins offered a series of resolutions proposing changes of the rules of the Congress; which were read and referred to the Committee on Rules.

Mr. Sparrow offered the following resolution, to wit:

*Resolved*, That hereafter Congress shall meet at eleven o'clock ante meridian, and that no motion for an adjournment shall be in order until half after three o'clock post meridian.



And upon the passage of which he called the question, when Mr. Crawford moved to lay the resolution on the table, and Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, McRae, Robinson, Davis, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Crawford, Hill, and Wright. Nay: Mr. Foreman.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Brooke, Bradford, and Campbell. Nay: Messrs. Harris, Orr, and Harrison.

Missouri—Yea: Messrs. Clark, Bell, and Conrow. Nay: Messrs. Freeman and Vest.

North Carolina—Yea: Messrs. Avery, Venable, and Craige. Nay: Messrs. Davis, Smith, Morehead, and Davidson.

South Carolina—Yea: Messrs. Miles and Boyce. Nay: Messrs. Rhett and Memminger.

Tennessee—Yea: Messrs. Atkins and Currin. Nay: Messrs. House, Jones, De Witt, Thomas, and Caruthers.

Texas—Yea: Messrs. Hemphill, Waul, and Ochiltree.

Virginia—Yea: Messrs. Seddon, William B. Preston, Macfarland, Bocoek, Rives, Scott, Boteler, Russell, Johnston, and Walter Preston.

Those States voting in the affirmative are,

Arkansas, Florida, Georgia, Missouri, Texas, and Virginia, 6.

Those in the negative are,

Alabama, Louisiana, North Carolina, and Tennessee, 4.

The States of Mississippi and South Carolina being divided.

So the motion to lay on the table did not prevail.

The question then recurring upon the adoption of the resolution, when Mr. Avery demanded a division of the question, and the question being upon agreeing to the first part of the resolution of Mr. Sparrow, which fixes the time of the meeting of Congress at 11 o'clock a. m., Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Robinson, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Crawford, Wright, and Kenan.

Louisiana—Yea: Messrs. De Clouet, Kenner, Sparrow, and Marshall. Nay: Messrs. Perkins and Conrad.

Mississippi—Yea: Messrs. Harris and Harrison. Nay: Messrs. Brooke, Orr, Bradford, and Campbell.

Missouri—Yea: Messrs. Freeman and Vest. Nay: Messrs. Clark, Conrow, and Harris.

North Carolina—Yea: Messrs. Davis, Smith, and Morehead. Nay: Messrs. Avery, Venable, Craige, and Davidson.

South Carolina—Nay: Messrs. Rhett, Barnwell, Memminger, Miles, and Boyce.

Tennessee—Yea: Messrs. House, De Witt, and Thomas. Nay: Messrs. Atkins, Jones, Currin, and Caruthers.

Texas—Nay: Messrs. Hemphill, Waul, and Ochiltree.

Virginia—Yea: Mr. Seddon. Nay: Messrs. William B. Preston, Macfarland, Boccock, Rives, Scott, Boteler, Brockenbrough, Russell, Johnston, Staples, and Walter Preston.

Those States voting in the affirmative are,

Alabama, Florida, and Louisiana, 3.

Those in the negative are,

Arkansas, Georgia, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 9.

So the first part of the resolution was not agreed to.

The hour of 1 p. m. having arrived, Congress went into executive session; and having spent some time therein, again resolved itself into legislative session.

And proceeded to the consideration of the latter part of Mr. Sparrow's resolution; which was, on motion of Mr. Davis, laid on the table.

On motion of Mr. Sparrow, Congress again resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session;

When,

Mr. Harris, from the Committee on the Judiciary, introduced and recommended the passage of

A bill for the admission of the State of Kentucky into the Confederate States of America, as a member thereof.

The bill having been read first and second times, was engrossed, and read a third time; and the question being on the passage of the same, Mr. Johnson of Arkansas demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, McRae, Robinson, and Jones.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Foreman, Wright, and Kenan.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Cooke, Conrow, Bell, Freeman, Harris, and Vest.

North Carolina—Yea: Messrs. Davis, Avery, Smith, McDowell, Venable, Morehead, Craige, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Miles, and Boyce.

Tennessee—Yea: Messrs. House, Atkins, Jones, De Witt, Thomas, Currin, and Caruthers.

Texas—Yea: Messrs. Hemphill, Waul, and Ochiltree.

Virginia—Yea: Messrs. Seddon, William B. Preston, Macfarland, Boccock, Rives, Scott, Boteler, Brockenbrough, Russell, Johnston, Staples, and Walter Preston.

Yea: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 12.

So the bill was unanimously passed.

Mr. Campbell offered

A resolution instructing the Committee on Claims to inquire if any legislation was proper to compensate marshals and deputy marshals in the different States for taking the census of 1860;

which was read and agreed to.

Mr. Currin offered

A resolution instructing the Committee on the Judiciary to inquire into the propriety of a proposed amendment of the sequestration act; which was read and agreed to.

Mr. Brockenbrough introduced

A bill amendatory of the sequestration act; which was read first and second times and referred to the Committee on the Judiciary.

Mr. Kenner, from the Committee on Finance, to whom was referred a resolution of inquiry as to the expediency of dispensing with tax assessors in the States assuming the payment of the war tax, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Kenner, from the same committee, to whom was referred

A bill to repeal all tariff laws, reported the same back, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

On motion of Mr. Perkins, the bill was placed on the Calendar for further consideration.

Mr. Conrad, from the Committee on Naval Affairs, reported and recommended the passage of

A bill to authorize the enlistment of additional seamen.

The bill was read first and second times, engrossed, read third time, and passed.

Mr. Conrad, from the same committee, also reported and recommended the passage of

A bill to authorize the appointment of two additional clerks and a draftsman in the Navy Department;

which was read first and second times, engrossed, read third time, and passed.

Mr. Conrad, from the same committee, reported

A bill to authorize the transfer of a certain appropriation; which was read first and second times and, on motion, placed on the Calendar.

Also, a bill to provide for the appointment of chaplains in the Navy; which was read first and second times and, on motion, placed on the Calendar.

Also, a bill to provide for the education of midshipmen in the Navy; which was read first and second times and, on motion, placed on the Calendar.

Mr. Miles, from the Committee on Military Affairs, to whom was recommitted

A bill to encourage the enlistment of volunteers for the war, reported back two bills.

The first,

A bill providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army; and

A bill to increase the pay of the Provisional Army.

The bills having received their first and second readings, were, on motion, placed on the Calendar, ordered to be printed, and made the special order for Tuesday at 1 o'clock p. m.

Mr. Miles, from the same committee, introduced

A bill to regulate the mode of filling vacancies of field officers in certain volunteer regiments and battalions;

which was read first and second times, ordered to be printed, and made the special order for Tuesday.

Mr. Miles, from the same committee, to whom was referred the communication of the Secretary of War recommending the creation of higher grades of rank in the artillery service, reported the same back, that the committee deemed it inexpedient to create such grades, asked leave to be discharged from the further consideration of the subject.

On motion of Mr. Harris of Missouri, the report of the committee was placed on the Calendar.

Mr. Miles, from the same committee, reported and recommended the passage of

A bill to authorize the Secretary of War to appoint an assistant.

The bill was read first and second times, engrossed, read third time, and passed.

Also, a bill to authorize the appointment of chief buglers and principal musicians to regiments in the Provisional Army;

which was read first and second times, engrossed, read third time, and passed.

Mr. Miles, from the same committee, to whom was referred a resolution of inquiry as to the expediency of paying for cavalry horses killed in the service, not mustered into said service, reported same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Miles, from the same committee, to whom was referred a memorial concerning the medical examining board, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Miles, from the same committee, to whom was referred a bill to provide for the public safety, reported the same back, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Sparrow, from the same committee, to whom was referred a resolution concerning the burning and destruction of cotton and other productions, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to;

When,

On motion of Mr. Sparrow, the resolution was placed on the Calendar.

Mr. Sparrow, from the same committee, reported

A bill to provide for connecting the Richmond and Danville and the North Carolina railroads for military purposes;

which was read first and second times, ordered to be printed, placed on the Calendar, and made the special order for Thursday next.



Mr. Ochiltree, from the same committee, reported

A bill to fix the rank and to provide for the pay of certain officers therein named;

which was read first and second times and, on his own motion, placed on the Calendar.

Congress then, on motion of Mr. Johnson of Arkansas,

Adjourned until 12 m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. William E. Simms and Mr. Henry C. Burnett, commissioners from the State of Kentucky, were received, and addressed the Congress.

Mr. Rhett offered the following resolution, viz:

*Resolved*, That the President's message and accompanying documents before Congress be referred to the Judiciary Committee, with instructions to prepare and bring in a bill admitting Kentucky into the Confederacy of the Confederate States, upon an equal footing with the other States of the Confederacy.

The resolution was unanimously agreed to.

The Chair laid before Congress a communication from the President, transmitting, for the advice and consent of Congress, the nominations of George P. Scarburgh, of Virginia; Walker Brooke, of Mississippi, and Thomas C. Reynolds, of Missouri, to be commissioners under the act for the sequestration, etc., of the estates of alien enemies, etc.

Also, William M. Randolph, of Arkansas, to be district attorney for the eastern district of Arkansas;

which, on motion of Mr. Chilton, were referred to the Committee on the Judiciary.

Mr. Perkins offered the following resolution, to wit:

*Resolved*, That the Secretary of Congress prepare for the delegation from each State a list of the nominations from the respective States.

The resolution was agreed to.

Mr. Miles moved that all army nominations lying on the table, and sent in to Congress this session, be referred to the Committee on Military Affairs.

The motion prevailed,

And Congress resumed legislative session.

#### EIGHTEENTH DAY—TUESDAY, DECEMBER 10, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment and, in the absence of the Vice-President, was called to order by Mr. Crawford, who offered the following resolution; which was read and agreed to, to wit:

Whereas the presiding officer of this body is unavoidably detained from the sessions of the Congress by indisposition:

*Be it therefore resolved*, That the Honorable Thomas S. Bocock, a Delegate from the State of Virginia, be, and he is hereby, chosen the President of the Congress pro tempore.

Mr. Bocock having taken the chair, prayer was offered by the Rev. Dr. Hoge;

When,

Mr. Rhett offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President pro tempore, Thomas S. Bocock, be authorized to sign all bills and resolutions passed by the Congress.

Congress then resolved itself in secret session.

SECRET SESSION.

Congress being in secret session,

Mr. Kenan moved to reconsider the vote on the passage of the bill to authorize the appointment of two clerks and a draftsman in the Navy Department; the consideration of which, on motion of Mr. Sparrow, was postponed for the present.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act for the admission of the State of Kentucky into the Confederate States, as a member thereof;

An act to authorize the Secretary of War to appoint an assistant;

An act to authorize the appointment of chief buglers and principal musicians to regiments in the Provisional Army;

An act to authorize the appointment of two additional clerks and a draftsman in the Navy Department; and

An act to authorize the enlistment of additional seamen.

Mr. Miles, from the Committee on Military Affairs, to whom was referred a portion of the report of the Secretary of War and accompanying letters, in response to a resolution of inquiry of Congress concerning restrictions placed upon vessels sailing from the ports of the Confederate States, reported same back, asked to be discharged from its further consideration, and that the report and letters lie on the table; which was agreed to.

Mr. Kenan, from the same committee, to whom was referred a resolution instructing said committee to report

A bill providing for the giving of bonuses for the manufacture of saltpeter, small arms, gunpowder, etc., reported back, with dissent of the committee,

A bill to encourage the manufacture of small arms, of saltpeter, and of gunpowder within the Confederate States;

which was read first and second times and, on motion of Mr. Smith of Alabama, was placed on the Calendar, ordered to be printed, and made the special order for 1 o'clock p. m. on Friday next.

Mr. Avery, from the same committee, reported back and recommended the passage of

A bill to amend an act to authorize the President to confer temporary rank and command, for service with volunteer troops, on officers of the Confederate Army, approved May 21, 1861.

The bill was read first and second times and, on motion of Mr. Crawford, was placed on the Calendar and ordered to be printed.

Mr. Brooke, from the Committee on Patents, reported

A bill to amend an act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs, approved May 21, 1861.

The bill was read first and second times and, on motion of Mr. Smith of Alabama, was placed on the Calendar and ordered to be printed.

Mr. Brooke, from the same committee, to whom was referred a

number of memorials upon the subject of patents, reported the same back, asked to be discharged from their further consideration, and that the memorials lie on the table; which was agreed to.

Mr. Campbell, from the Committee on Territories, reported back

A bill to organize the Territory of Arizona, and to create the office of surveyor-general therein;

which was, on his own motion, placed on the Calendar, ordered to be printed, and made the special order of Saturday next at 1 o'clock p. m.

Mr. Campbell also moved that when the bill should be taken up for consideration the Delegate-elect from Arizona, Mr. Oury, be invited to communicate with the Congress personally; which was agreed to.

Mr. De Clouet, from the Committee on Accounts, to whom was referred the estimates of the Secretary of Congress for the fourth session of Congress, reported the same back approved by the committee, with the exception of \$500 for the use of the Permanent Congress and \$600 for stationery already provided for by Congress, asked to be discharged from their consideration, and that they lie on the table; which was agreed to.

Mr. De Clouet, from the same committee, to whom was referred the report of the Secretary of Congress relative to the sale of certain furniture, reported the same back, with the approval of the committee, asked to be discharged from its further consideration, and that the report lie on the table; which was agreed to.

Mr. De Clouet, from the same committee, to whom was referred [a resolution] of inquiry as to the necessity of allowing the Secretary of Congress another assistant, reported the same back, with the opinion of the committee [that] the present clerical force of Congress is sufficient, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. De Clouet, from the same committee, reported the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Doorkeeper be allowed to keep one white assistant within the Congress during the secret sessions, upon said assistant being sworn; the said assistant having been allowed one dollar per day as one of the servants of the Congress.

The Chair presented a letter of resignation from Hon. E. A. Nisbet, late a Delegate from the State of Georgia; which was read and laid on the table.

The hour of 1 o'clock p. m. having arrived,

Congress proceeded to the consideration of the special order of the day, which was the consideration of the bill providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army.

And the first section of the same being under consideration; which is as follows, to wit:

SECTION 1. *Be it enacted by the Congress of the Confederate States*, That a bounty of fifty dollars be, and the same is hereby, granted to all privates, musicians, and non-commissioned officers in the Provisional Army who shall serve continuously for three years or for the war, to be paid at the following times, to wit: To all now in the service for twelve months, to be paid at the time of volunteering or enlisting for the next two ensuing years subsequent to the expiration of their present term of service. To all now in the service for three years or for the war, to be paid at the expiration of their first year's service. To all who may hereafter volunteer or enlist for three years or for the war, to be paid at the time of entry into service.

Mr. Campbell moved to amend the same by striking out therefrom the following words, to wit:

To all now in the service for three years or for the war, to be paid at the expiration of their first year's service.

Mr. Atkins called the question; which was seconded, and the vote having been taken thereon, the amendment was not agreed to.

The second section of the bill being under consideration; which is as follows, to wit:

SEC. 2. *And be it further enacted*, That furloughs, not exceeding sixty days, with transportation home and back, shall be granted to all twelve months' men now in service who shall, prior to the expiration of their present term of service, volunteer or enlist for the next two ensuing years subsequent to the expiration of their present term of service or for three years or the war; said furloughs to be issued at such times and in such numbers as the Secretary of War may deem most compatible with the public interest; the length of each furlough being regulated with reference to the distance of each volunteer from his home: *Provided*, That in lieu of a furlough the commutation value in money of the transportation herein above granted shall be paid to each private, musician, or noncommissioned officer, who may elect to receive it, at such time as the furlough itself would otherwise be granted.

Mr. Clark moved to amend the same by striking out therefrom the following words, to wit:

SEC. 2. *And be it further enacted*, That furloughs, not exceeding sixty days, with transportation home and back, shall be granted to all twelve months' men now in service who shall, prior to the expiration of their present term of service, volunteer or enlist for the next two ensuing years subsequent to the expiration of their present term of service or for three years or the war,

And inserting in lieu thereof the following words, to wit:

That furloughs, not exceeding sixty days, with transportation home and back, shall be granted to all men now in service who shall, prior to the expiration of their present term of service, volunteer or enlist for the war or for three years or for a period which, added to their original term of enlistment, will make a service of not less than three years.

The amendment was not agreed to.

Mr. Jones moved to amend by inserting after the word "days" the following words, to wit: "and not less than thirty days."

The amendment was not agreed to.

Mr. Foreman moved to amend by striking out the whole of the second section.

Mr. Thomason moved to amend by inserting after the word "war" the following words, to wit:

and to all those who now are in the service for three years or for the war, or who may hereafter enter the service for such time, and who shall have served for the period of one year.

Upon which motion, Mr. Campbell, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Nay: Messrs. Morton and Owens.

Georgia—Nay: Messrs. Foreman, Crawford, and Hill.

Louisiana—Nay: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Orr, and Bradford.



Missouri—Yea: Messrs. Harris and Vest. Nay: Messrs. Clark, Bell, Cooke, Conrow, and Freeman.

North Carolina—Yea: Mr. McDowell. Nay: Messrs. Davis, Avery, Smith, Venable, Morehead, and Davidson.

South Carolina—Nay: Messrs. Rhett, Barnwell, Miles, and Boyce.

Tennessee—Yea: Mr. House. Nay: Messrs. Jones, De Witt, Thomas, and Caruthers.

Texas—Yea: Mr. Waul. Nay: Messrs. Reagan, Hemphill, and Ochiltree.

Virginia: Yea: Messrs. Macfarland, Russell, and Walter Preston. Nay: Messrs. William B. Preston, Boccock, Scott, Boteler, Brockenbrough, Johnston, and Staples.

Nay: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 12.

So the amendment was not agreed to.

Mr. Hill moved to amend the bill by striking out the first and second sections of the same and inserting in lieu thereof the following, to wit:

SECTION 1. *Be it enacted by the Congress of the Confederate States*, That the pay of privates and noncommissioned officers and musicians now in the service of the Confederate States, enlisted for the war, shall be increased four dollars a month, to be computed at that rate from the first day of January next; and that the pay of privates and noncommissioned officers and musicians who shall hereafter enlist for the war, including all who are now enlisted for a less time than the war and who shall reenlist for the war, shall be the like increased rate a month, to be computed from the date of such enlistment for the war. And all troops now enlisted for a less time than the war and who shall reenlist for the war, shall be entitled to furloughs not exceeding sixty days, with transportation home and back, at such times and in such numbers as, in the judgment of the Secretary of War, may best comport with the exigencies of the public service.

SEC. 2. *Be it further enacted*, That the monthly pay of officers in the military service of the Confederate States, above and including the grade of second lieutenant, shall be twenty-five per cent less than the sum now allowed by law, to be computed from the first day of January next.

Mr. Atkins called the question; which was seconded, and Mr. De Witt, at the instance of the State of Tennessee, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry and McRae. Nay: Messrs. Walker, Chilton, Robinson, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Mr. Hill. Nay: Mr. Foreman.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Mr. Orr. Nay: Messrs. Harris, Bradford, Harrison, and Campbell.

Missouri—Nay: Messrs. Clark, Cooke, Conrow, Bell, Freeman, Harris, and Vest.

North Carolina—Nay: Messrs. Davis, Avery, McDowell, Venable, Morehead, and Davidson.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett, Memminger, and Miles.

Tennessee—Yea: Messrs. House and De Witt. Nay: Messrs. Atkins, Jones, Thomas, Currin, and Caruthers.

Texas—Nay: Messrs. Waul and Ochiltree.

Virginia—Nay: Messrs. Seddon, William B. Preston, Macfarland, Bocock, Rives, Scott, Boteler, Brockenbrough, Russell, Staples, and Walter Preston.

Yea: Florida, 1.

Nay: Alabama, Arkansas, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

Divided: Georgia, 1.

So the amendment was not agreed to.

EXECUTIVE DEPARTMENT,  
*Richmond, December 10, 1861.*

*Mr. President:* The President has this day approved and signed

An act for the admission of the State of Kentucky into the Confederate States of America, as a member thereof;

An act to authorize the Secretary of War to appoint an assistant;

An act to authorize the appointment of chief buglers and principal musicians to regiments in the Provisional Army; and

An act to authorize the enlistment of additional seamen.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Johnson of Arkansas moved that the injunction of secrecy be removed from the vote on the passage of the bill to admit Kentucky, and from the message of the President and the governor of Kentucky relating thereto.

The motion was agreed to.

The question then recurring upon the motion of Mr. Foreman to strike out the second section of the bill, the question was put, and the vote having been taken thereon,

The motion was not agreed to.

Mr. Foreman then moved to amend by striking out the first and second sections of the bill and inserting in lieu thereof the following, to wit:

*The Congress of the Confederate States do enact,* That in all regiments and battalions to which the President originally appointed field officers, under existing laws, any vacancy that may occur in the offices of colonel or lieutenant-colonel shall be filled by promotion, and any vacancy in the office of major shall be filled by appointment by the President, by and with the advice and consent of Congress.

When Mr. Ochiltree called the question: which was seconded, and Mr. Foreman, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Walker, Curry, Chilton, Robinson, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson and Garland.

Georgia—Yea: Messrs. Foreman and Hill.

Louisiana—Yea: Mr. Marshall. Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Nay: Messrs. Harris, Brooke, Orr, Bradford, Harrison, and Campbell.

Missouri—Yea: Mr. Harris. Nay: Messrs. Clark and Conrow.

North Carolina—Nay: Messrs. Davis, Avery, Smith, McDowell, Venable, Morehead, and Davidson.

South Carolina—Nay: Messrs. Rhett, Barnwell, and Miles.

Tennessee—Yea: Mr. De Witt. Nay: Messrs. House, Atkins, Jones, Thomas, Currin, and Caruthers.

Texas—Nay: Messrs. Reagan, Waul, and Ochiltree.

Virginia—Nay: Messrs. William B. Preston, Macfarland, Bocoek, Rives, Scott, Brockenbrough, Staples, and Walter Preston.

Yea: Georgia, 1.

Nay: Alabama, Arkansas, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

Not voting: Florida, 1.

Mr. Harris moved that Congress do now adjourn.

The motion did not prevail.

The third section of the bill being under consideration; which is as follows, to wit:

SEC. 3. This act shall apply to all troops who have volunteered or enlisted for a term of twelve months or more in the service of any State, who are now in the service of the said State and who may hereafter volunteer or enlist in the service of the Confederate States under the provisions of the present act.

And there being no amendments to the same,

Congress proceeded to the consideration of the fourth section; which is as follows, to wit:

SEC. 4. *And be it further enacted*, That all troops revolunteering or reenlisting shall at the expiration of their present term of service have the power to reorganize themselves into companies and elect their company officers, and said companies shall have the power to organize themselves into battalions or regiments and elect their field officers; and after the first election all vacancies shall be filled by promotion from the company, battalion, or regiment in which such vacancies may occur: *Provided*, That whenever a vacancy shall occur, whether by promotion or otherwise, in the lowest grade of commissioned officers of a company, said vacancy shall always be filled by election: *And provided further*, That in the case of troops which have been regularly enlisted into the service of any particular State prior to the formation of the Confederacy, and which have by such State been turned over to the Confederate Government, the officers shall not be elected but appointed and promoted in the same manner and by the same authority as they have heretofore been appointed and promoted.

Mr. Harris of Missouri moved to amend the same by striking out therefrom the word "said" and inserting the following words, to wit: "the commissioned officers of."

Mr. Atkins called the question; which was seconded, and the vote having been taken thereon,

The amendment was not agreed to.

Mr. Foreman moved to strike out the fourth section.

The motion did not prevail.

Mr. Curry moved to amend by striking out the first section of the bill and substituting in lieu of the original bill the second, third, and fourth sections, upon which he called the question; and the call being seconded, the question was put, and the amendment was not agreed to.

Mr. Thomason moved as an additional section to the bill the following, to wit:

That furloughs of not less than thirty or more than sixty days, with transportation home and back, shall be granted to all troops who have heretofore volunteered or who may hereafter volunteer for three years or for the war, once during each twelve months of their service, at such times and in such numbers as in the opinion of the Secretary of War will best comport with the safety of the country and the best interests of the public service.

And, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Walker, Curry, Chilton, McRae, Robinson, Davis, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson and Garland.

Georgia—Nay: Mr. Foreman.

Louisiana—Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Orr and Campbell. Nay: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Cooke, Freeman, Harris, and Vest. Nay: Messrs. Clark, Bell, and Conrow.

North Carolina—Yea: Mr. McDowell. Nay: Messrs. Avery, Venable, Morehead, and Davidson.

South Carolina—Nay: Messrs. Rhett, Barnwell, and Miles.

Tennessee—Yea: Messrs. Jones and De Witt. Nay: Messrs. House, Atkins, Currin, and Caruthers.

Texas—Nay: Messrs. Reagan, Waul, and Ochiltree.

Virginia—Nay: Messrs. Seddon, William B. Preston, Macfarland, Boccock, Rives, Scott, and Staples.

Yea: Missouri, 1.

Nay: Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

Not voting: Florida, 1.

So the amendment was not agreed to.

Mr. Atkins called the question, which was upon ordering the bill to be engrossed for a third reading; and the call being sustained,

The bill was engrossed, read a third time, and passed.

The Chair, under authority of a resolution of the Congress, appointed Mr. Currin of Tennessee an additional member of the Committee on Naval Affairs.

On motion of Mr. Sparrow,

Congress then adjourned until 12 o'clock m. to-morrow.

## NINETEENTH DAY—WEDNESDAY, DECEMBER 11, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army.

Mr. Wright, by general consent, offered

A resolution instructing the Committee on Accounts to inquire into the expediency of reporting

A bill for the payment of carriers of the returns from the respective States to the capital;  
which was read and agreed to.

Mr. Hill offered

A resolution instructing the Committee on Military Affairs to inquire into the propriety of appointing chaplains to the hospitals for the sick and wounded;

which was read and agreed to.



Mr. Garland offered

A resolution providing that Congress take a recess from the 21st instant of December until 13th day of January;

which was laid on the table.

Mr. Curry offered

A resolution instructing the Committee on Military Affairs to inquire whether the penal bonds of commissaries and assistant commissaries are sufficient.

Mr. Scott offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of increasing the Engineer Corps of the Army;

which was read and agreed to.

Mr. Canthers, from the Committee on the Judiciary, reported back and recommended the passage of

A bill to divide the State of Tennessee into three judicial districts; which was engrossed, read third time, and passed.

Mr. Crawford, from the Committee on Commerce, reported back and recommended the passage of

A bill to make penal the transportation and sale of cotton, tobacco, sugar, rice, molasses, sirup, and naval stores;

which was engrossed, read third time; and

On motion of Mr. Barnwell, was ordered to be printed and placed on the Calendar.

Mr. Kenner offered the following resolution, to wit:

*Resolved*, That when Congress adjourns on Wednesday next, the eighteenth instant, it adjourn to meet on Monday, the thirteenth day of January next.

Mr. Garland moved as a substitute for the same the following, to wit:

*Resolved*, That Congress take a recess from Saturday, twenty-first December, to Thursday, the second day of January next.

Mr. Kenner moved to amend the substitute by striking out therefrom "Saturday, twenty-first," and inserting in lieu thereof "Wednesday, eighteenth," and by striking out "Thursday, second day," and inserting in lieu thereof "Monday, thirteenth day."

The amendment was agreed to, when Mr. Curry called the question; which was upon agreeing to the substitute of Mr. Garland as amended by Mr. Kenner.

And the call being sustained,

Mr. Ochiltree, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry and Jones. Nay: Messrs. Walker and Robinson.

Arkansas—Yea: Mr. Garland. Nay: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Mr. Morton.

Georgia—Yea: Messrs. Foreman, Crawford, Hill, Wright, and Kenan.

Louisiana—Nay: Messrs. Perkins, De Clouet, Kenner, and Sparrow.

Mississippi—Yea: Mr. Harrison. Nay: Messrs. Brooke, Bradford, and Campbell.

Missouri—Yea: Messrs. Clark and Cooke. Nay: Messrs. Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Avery, Smith, Venable, Craige, and Davidson. Nay: Messrs. Davis, McDowell, and Morehead.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Miles. Nay: Mr. Boyce.

Tennessee—Yea: Messrs. Atkins, Jones, De Witt, Currin, and Caruthers. Nay: Mr. Thomas.

Texas—Nay: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Seddon, William B. Preston, Macfarland, Bocoek, Rives, Scott, Brockenbrough, Johnston, Staples, and Walter Preston. Nay: Mr. Boteler.

Yea: Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia, 6.

Nay: Arkansas, Louisiana, Mississippi, Missouri, and Texas, 5.

Divided: Alabama, 1.

So the substitute as amended was not agreed to.

The question then recurred upon agreeing to the original resolution of Mr. Kenner:

When,

Mr. Thomason moved to lay the same on the table and, at the instance of the State of Georgia [Arkansas?], demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Walker, Curry, Chilton, Robinson, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Messrs. Johnson and Garland.

Florida—Nay: Mr. Morton.

Georgia—Nay: Messrs. Foreman, Hill, Wright, and Kenan.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Harrison and Campbell. Nay: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Clark, Cooke, Conrow, Vest, and Freeman. Nay: Messrs. Harris and Bell.

North Carolina—Yea: Messrs. Davis and Venable. Nay: Messrs. Avery, Smith, McDowell, Morehead, Craige, and Davidson.

South Carolina—Yea: Messrs. Rhett and Boyce. Nay: Messrs. Barnwell, Memminger, and Miles.

Tennessee—Yea: Mr. House. Nay: Messrs. Atkins, Jones, De Witt, Thomas, Currin, and Caruthers.

Texas—Nay: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Seddon, William B. Preston, Bocoek, Scott, Boteler, Brockenbrough, and Johnston. Nay: Messrs. Macfarland, Rives, Staples, and Walter Preston.

Yea: Missouri and Virginia, 2.

Nay: Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, and Texas, 8.

Divided: Arkansas and Mississippi, 2.

So the motion was lost.

Mr. Curry called the question; which was upon the adoption of the resolution of Mr. Kenner;

When,

Mr. Rhett, at the instance of the State of South Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Curry, Chilton, Robinson, and Jones.

Arkansas—Yea: Messrs. Johnson and Garland. Nay: Messrs. Thomason and Watkins.

Florida—Yea: Mr. Morton.

Georgia—Yea: Messrs. Foreman, Hill, and Wright. Nay: Mr. Crawford.

Louisiana—Yea: Messrs. De Clouet, Kenner, and Sparrow. Nay: Mr. Perkins.

Mississippi—Nay: Messrs. Brooke, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Harris and Bell. Nay: Messrs. Clark, Cooke, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Avery, McDowell, Morehead, Craige, and Davidson. Nay: Messrs. Davis, Smith, and Venable.

South Carolina—Yea: Messrs. Barnwell, Memminger, and Miles. Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Messrs. Atkins, Jones, De Witt, Thomas, and Cur-  
rin. Nay: Mr. House.

Texas—Yea: Messrs. Reagan, Waul, and Ochiltree.

Virginia—Yea: Mr. Walter Preston. Nay: Messrs. Seddon, William B. Preston, Macfarland, Boccock, Rives, Scott, Boteler, Brock-  
enbrough, Johnston, and Staples.

Yea: Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, and Texas, 8.

Nay: Mississippi, Missouri, and Virginia, 3.

Divided: Arkansas, 1.

So the resolution was adopted, and is as follows, to wit:

*Resolved*, That when Congress adjourns on Wednesday next, the eighteenth December, it adjourn to meet again on Monday, the thirteenth day of January next.

The Chair presented certain estimates of the Secretary of the Treasury: which were referred to the Committee on Finance, without being read.

The hour of 1 o'clock p. m. having arrived,

Congress proceeded to the consideration of the special order of the day, which was

A bill to increase the pay of the Provisional Army.

EXECUTIVE DEPARTMENT,  
*Richmond, December 11, 1861.*

*Mr. President:* The President has this day approved and signed

An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to divide the State of Tennessee into three judicial districts.

Mr. Curry offered as a substitute for the bill the following, to wit:

SECTION 1. *Be it enacted, etc.*, That the monthly pay of all officers in the Provisional Army of the Confederate States, above and including the grade of second lieutenant, shall be twenty-five per cent less than the sum now allowed by law.

Pending the consideration of which,  
Congress, on motion of Mr. Waul,  
Adjourned until 12 m. to-morrow.

EXECUTIVE SESSION.

Congress being in executive session,

Mr. Garland, from the Committee on the Judiciary, to whom was referred the nominations of John C. Nicoll to be Confederate district attorney for the State of Georgia, and William M. Randolph to be Confederate district attorney for the eastern district of Arkansas, reported the same back and recommended that Congress advise and consent to the same.

The report was agreed to, and Congress advised and consented to the said nominations.

Congress then resumed legislative session.

TWENTIETH DAY—THURSDAY, DECEMBER 12, 1861.

OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Johns.

Congress then resolved itself into secret session.

SECRET SESSION.

Congress being in secret session.

Mr. Clark offered the following resolution, to wit:

*Resolved*, That the injunction of secrecy be removed from the President's message and the accompanying documents in relation to the admission of Missouri as a member of the Confederate States.

Mr. Garland moved to refer the resolution and the documents referred to in the same to a special committee of five; which was agreed to; and

The Chair in obedience thereto announced the following committee:

Messrs. Garland of Arkansas, Clark of Missouri, Curry of Alabama, Kenner of Louisiana, and Currin of Tennessee.

The Chair presented a communication from the President; which was read and, with the accompanying documents, referred to the Committee on Finance, and which is as follows, to wit:

*To the Congress of the Confederate States:*

I herewith communicate to Congress an act of the provisional government of Kentucky, to appoint a commissioner to the Confederate States of America, on the subject of banks; and also the commission of John D. Morris, esq., who has been duly accredited to me as the commissioner appointed under said act.

It appears from the terms of said act, that various banks in Kentucky have, in violation of the State constitution, at the dictation of foreign military power, contributed large sums of money to assist in the subjugation of the people of Kentucky; that the State of Kentucky is a stockholder in said banks, the stock having been purchased with the funds raised by taxation of all the people, and is entitled to control the said funds and to prevent their being used for the subjugation of her people.

To prevent such injustice, the act authorizes the governor to appoint a commissioner to proceed to the capital of the Confederate States; to confer with the proper authorities as to the most practicable manner of securing all moneys and other assets



of said banks; and the Confederate States are requested to cooperate with said commissioner in securing said moneys and assets.

In pursuance with the request of the provisional government of Kentucky, I submit the matter to your consideration and invite such cooperation as you may deem it advisable to afford.

JEFFERSON DAVIS.

RICHMOND, VA., *December 11, 1861.*

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Rhett, at the instance of the State of South Carolina, moved to reconsider the vote by which the resolution of Mr. Kenner, relative to an adjournment, was passed by the Congress on yesterday.

Mr. Foreman called the question; which was seconded, and the vote having been taken thereon, the motion to reconsider was agreed to.

Mr. Rhett moved to amend the resolution by striking out therefrom the word "adjourn" and by inserting in lieu thereof the words "take a recess."

The amendment was agreed to.

Mr. Rhett moved further to amend by adding at the end of the resolution the following words, to wit: "and that members shall receive their mileage during said recess."

Mr. Waul moved to amend the amendment by adding thereto the following words, to wit: "but they shall not receive any per diem during said recess."

Mr. Kenner called the question; which was seconded, and the vote having been taken thereon, the amendment to the amendment was not agreed to.

EXECUTIVE DEPARTMENT,  
*Richmond, December 12, 1861.*

*Mr. President:* The President has this day approved and signed  
An act to divide the State of Tennessee into three judicial districts.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Atkins then moved to lay the amendment of Mr. Rhett on the table; and

The motion was agreed to;

When,

Mr. Venable offered as a substitute for the resolution as amended the following, to wit:

That any member whose engagements of business or otherwise may render temporary absence desirable be privileged to be absent from attendance on the Congress from the eighteenth of December to the thirteenth of January next.

Upon which Mr. Harris of Mississippi demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Mr. Smith. Nay: Messrs. Walker, Curry, Chilton, Robinson, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Nay: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Toombs, T. R. R. Cobb, and Kenan. Nay: Messrs. Foreman, Crawford, Hill, and Wright.

Louisiana—Yea: Messrs. Perkins and Conrad. Nay: Messrs. De Clouet, Kenner, and Sparrow.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Cooke, Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Davis and Venable. Nay: Messrs. Avery, Smith, McDowell, Morehead, Craige, and Davidson.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett, Barnwell, and Memminger.

Tennessee—Yea: Mr. House. Nay: Messrs. Atkins, Jones, De Witt, Thomas, Currin, and Caruthers.

Texas—Nay: Mr. Waul.

Virginia—Yea: Messrs. Seddon, Tyler, Bocoek, Brockenbrough, Russell, and Johnston. Nay: Messrs. William B. Preston, Macfarland, Rives, Scott, Boteler, Staples, and Walter Preston.

Yea: Mississippi and Missouri, 2.

Nay: Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

So the substitute was not agreed to.

Mr. Rhett called the question, which was upon the adoption of the resolution as amended; and the call being sustained.

Mr. Freeman, at the instance of the State of Missouri, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, McRae, Robinson, and Jones.

Arkansas—Yea: Mr. Garland. Nay: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Mr. Morton. Nay: Mr. Owens.

Georgia—Yea: Messrs. Foreman, Crawford, Hill, Wright, and Kenan. Nay: Messrs. Toombs and T. R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Kenner, and Sparrow. Nay: Messrs. Perkins and Conrad.

Mississippi—Nay: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell.

Missouri—Yea: Mr. Bell. Nay: Messrs. Clark, Harris, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Avery, Smith, McDowell, Morehead, Craige, and Davidson. Nay: Messrs. Davis and Venable.

South Carolina—Yea: Mr. Barnwell. Nay: Messrs. Rhett, Memminger, and Boyce.

Tennessee—Yea: Messrs. Jones, De Witt, Thomas, Currin, and Caruthers. Nay: Mr. House.

Texas—Nay: Mr. Waul.

Virginia—Yea: Messrs. Scott, Johnston, Staples, and Walter Preston. Nay: Messrs. Seddon, William B. Preston, Tyler, Macfarland, Bocoek, Rives, Boteler, Brockenbrough, and Russell.

Yea: Georgia, Louisiana, North Carolina, and Tennessee, 4.

Nay: Alabama, Arkansas, Mississippi, Missouri, South Carolina, Texas, and Virginia, 7.

Divided: Florida, 1.

So the motion to adopt the resolution as amended did not prevail.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the bill to increase the pay of the Provisional Army.

Mr. Harris moved to amend the same by striking out therefrom the words "noncommissioned officers."

Mr. Sparrow moved to lay the bill and all pending amendments on the table and called the question; which was seconded;

When,

Mr. William Ballard Preston, at the instance of the State of Virginia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Walker, Smith, Curry, and McRae. Nay: Messrs. Robinson and Jones.

Arkansas—Yea: Messrs. Johnson, Garland, and Watkins. Nay: Mr. Thomason.

Florida—Yea: Mr. Owens. Nay: Mr. Morton.

Georgia—Yea: Messrs. Toombs, Crawford, Hill, Wright, T. R. R. Cobb, and Kenan. Nay: Mr. Foreman.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, and Sparrow. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, Harrison, and Campbell. Nay: Messrs. Orr and Bradford.

Missouri—Yea: Messrs. Conrow, Vest, and Freeman. Nay: Messrs. Clark, Cooke, and Harris.

North Carolina—Yea: Messrs. Davis, Venable, and Craige. Nay: Messrs. Avery, Smith, McDowell, Morehead, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Boyce.

Tennessee—Yea: Mr. Thomas. Nay: Messrs. House, Atkins, Jones, De Witt, Currin, and Caruthers.

Texas—Yea: Mr. Waul.

Virginia—Yea: Messrs. Seddon, Macfarland, Scott, and Johnston. Nay: Messrs. William B. Preston, Tyler, Rives, Boteler, Brockenbrough, Russell, Staples, and Walter Preston.

Yea: Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, and Texas, 7.

Nay: North Carolina, Tennessee, and Virginia, 3.

Divided: Florida and Missouri, 2.

So the motion to lay on the table prevailed.

On motion of Mr. Sparrow,

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

The hour of 1 o'clock p. m. having arrived,

Mr. Morehead moved to suspend the consideration of the special order of the day, for the purpose of a call of the States for bills, resolutions, etc.

The motion was not agreed to.

And Congress proceeded to the consideration of the special order of the day; which was

A bill to regulate the mode of filling vacancies of field officers in certain volunteer regiments and battalions.

Mr. Curry moved, as a proviso to the bill, the following, to wit:

*Provided*, Said appointment of major shall be made from the officers or privates of the battalion or regiment.

On motion of Mr. Harris, the further consideration of the bill was postponed for the present.

Mr. Johnson of Arkansas moved that Congress do now adjourn.

Upon which motion Mr. Curry called for a vote by States.

And the vote having been taken thereon, resulted as follows, to wit:  
Yea: Arkansas, Florida, Georgia, Mississippi, Missouri, South Carolina, and Virginia, 7.

Nay: Alabama, Louisiana, North Carolina, Tennessee, and Texas, 5.  
So the motion prevailed, and the Chair declared the Congress adjourned until 12 m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Garland, from the Committee on the Judiciary, to whom had been referred the nominations of George P. Scarburgh, Walker Brooke, and Thomas C. Reynolds, as commissioners under the act for the sequestration of the property of alien enemies, etc., reported the same back and recommended that Congress advise and consent to the same.

The report was agreed to, and Congress advised and consented to the said nominations.

The Chair presented to Congress the following communication from the President, viz:

RICHMOND, VA., *December 11, 1861.*

*To the Congress of the Confederate States:*

I nominate John G. Walker to be brigadier-general in the Provisional Army, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

The communication was referred to the Committee on Military Affairs.

The Chair also laid before Congress a communication from the President, submitting for the constitutional action of the body, treaties recently made with the Chickasaw and Choctaw, Creek, Seminole, and Cherokee tribes of Indians; which were, with the accompanying documents, referred to the Committee on Indian Affairs, with instructions to print such papers relating to the subject as they may think proper.

Congress then resumed business in legislative session.

#### TWENTY-FIRST DAY—FRIDAY, DECEMBER 13, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Proceeded to the consideration of the unfinished business of yesterday; which was

A bill regulating the mode of filling vacancies in the field officers of regiments and battalions.

The further consideration of which, on motion of Mr. Sparrow, was postponed for the present and made the special order of Monday next.

Mr. Craige presented the memorial of certain mail contractors; which was referred to the Committee on Postal Affairs, without being read.

Mr. McKrae presented the memorial of a chaplain in the Army;



which was referred to the Committee on Military Affairs, without being read.

Mr. Thomason introduced

A resolution instructing the Committee on the Judiciary to inquire into the expediency of compensating marshals for taking the census of 1860, and also jailors, for keeping prisoners of the Confederate States; which was read and agreed to.

Mr. Wright presented the memorial of sundry citizens of Georgia, praying relief from the provisions of the sequestration act; which was referred to the Committee on the Judiciary, without being read.

Mr. Orr introduced

A bill to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized or destroyed by them; which was read first and second times and referred to the Committee on the Judiciary.

Mr. Vest introduced

A bill to pledge the credit of the Confederate States of America for certain bonds of the State of Missouri; which was read first and second times and referred to the Committee on Finance.

Mr. Davis presented the memorial of sundry citizens of North Carolina relative to chaplains in the Army; which was referred to the Committee on Military Affairs, without being read.

Mr. Jones introduced

A bill to authorize the Secretary of War to audit and settle the claims of assistant quartermasters, commissaries, and surgeons previous to their appointment by the Confederate States; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Johnson of Arkansas offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the message of the President, communicating the report of Commissioner Pike, and the Indian treaties, as also the said report, be printed; and that the Committee on Indian Affairs be authorized to be caused to be printed any of the documents accompanying the message which may appear to them necessary and proper to be printed.

Mr. House offered

A resolution instructing the Committee on Naval Affairs to inquire into the expediency of constructing one or more gunboats for the defense of the Cumberland River, etc.; which was read and agreed to.

Mr. Morehead presented the resolutions of confidence in our cause of war and in the President and Army, passed by the convention of the State of North Carolina.

On motion of Mr. Venable, the injunction of secrecy was removed from the same, and they were ordered to be published.

Mr. Currin presented the memorial of certain citizens of Memphis, Tenn., praying relief for the widow and children of A. M. Bryan from the provisions of the sequestration act; which was referred to the Committee on the Judiciary, without being read.

Mr. Atkins presented the memorial of John Wesley Hughes; which was referred to the Committee on the Judiciary, without being read.

Mr. Brockenbrough asked and was granted leave to withdraw from the Calendar and recommit to the Committee on the Judiciary two

bills; one, a bill regulating the fees of clerks and marshals; the other, a bill to regulate fees of district attorneys and commissioners, and for other purposes.

Mr. Brockenbrough introduced

A bill regulating the fees of clerks, and for other purposes; which was read first and second times and referred to the Committee on the Judiciary.

Also, a bill to amend the act relative to the fees of the attorneys of the Confederate States; which was read first and second times and referred to the Committee on the Judiciary.

Also, a bill to regulate the compensation to be allowed commissioners of the courts of the Confederate States; which was read first and second times and referred to the Committee on the Judiciary.

Also, a bill regulating the fees of marshals, and for other purposes; which was read first and second times and referred to the Committee on the Judiciary.

Mr. Tyler presented the memorial of Maria G. Clopton; which was referred to the Committee on Claims, without being read.

Also, the petition of Robert B. Craddock, messenger of the President; which was referred to the Committee on Finance, without being read.

Mr. Brockenbrough introduced

A bill authorizing the transmission of pamphlets and newspapers free of postage to the soldiers in the service of the Confederate States; which was read first and second times and referred to the Committee on Postal Affairs.

Also, a resolution instructing the Committee on Military Affairs to inquire into the expediency of auditing and paying the accounts of certain military officers appointed by Brig. Gen. Henry A. Wise; which was read and agreed to.

Mr. Kenner, from the Committee on Finance, reported

A bill supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption; which was read first and second times and, on motion, placed on the Calendar and ordered to be printed.

Also, a bill further supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption; which was read first and second times and made the special order for Saturday, after the consideration of the Arizona bill.

The hour of 1 o'clock p. m. having arrived, the hour for the consideration of the special order of the day, which was the bill to authorize the completion of the Greensboro and Danville Railroad, etc.,

Mr. Sparrow moved to postpone the consideration of the same, and that Congress do now go into executive session for the purpose of considering certain military nominations.

The motion was agreed to, and Congress resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, and is as follows, to wit:

*To the Congress of the Confederate States:*

The calamity which has laid in ashes a large portion of the city of Charleston seems to justify the offer of aid in the manner hereafter suggested.

The State of South Carolina will no doubt desire to aid the people of Charleston in their hour of need; but as her resources are now taxed to the utmost in resisting an invasion of her soil, the prompt intervention of this Government may not be deemed unsuitable to the occasion.

The State of South Carolina, in common with the other States, has made liberal advances on account of the war, and this Government is unquestionably largely her debtor. With the existing pressure upon her resources, it is probable that her desire to aid the suffering city of Charleston may be restrained by other demands upon her available means. Under such circumstances, may we not exhibit our sympathy with her people by an offer to place at the control of the legislature of the State, now in session, a portion of the sum we owe her?

The magnitude of the calamity affords the reason for making an exception in her favor and promptness of action will manifest, in the most appropriate manner, the sincerity of our regard for the people of that gallant State and our entire sympathy in all that concerns them.

I recommend, therefore, that Congress make an appropriation of such amount as may be deemed sufficient for the purpose, to be placed at the control of the authorities of the State of South Carolina.

JEFFERSON DAVIS.

Mr. Kenner introduced

A resolution to make an advance to the State of South Carolina, on account of her claims against the Confederate States; which was read first and second times, engrossed, read third time, and passed.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Clark of Missouri, to whom was referred the subject of inquiring into the propriety of publishing the messages of the President and the governor of Missouri in relation to the admission of that State, reported that, in the opinion of the committee, the injunction of secrecy should be removed from the same and that they be published; which was agreed to.

On motion of Mr. Kenner, the injunction of secrecy was removed from the message of the President and the action of Congress relative to the advance to the State of South Carolina.

The Chair presented certain estimates of the Secretary of the Treasury; which were referred to the Committee on Finance, without being read.

Mr. Hill moved that Congress do now adjourn.

The motion did not prevail.

On motion of Mr. Sparrow, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

On motion of Mr. Morton,

Congress then adjourned until to-morrow at 12 o'clock m.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Sparrow, from Committee on Military Affairs, to whom was referred certain military nominations, reported and recommended the confirmation of the same, with the following exceptions, viz:

S. P. Moore, to be Surgeon-General, and L. B. Northrop, to be Commissary-General.

Mr. Perkins moved that the consideration of the report be postponed for the present.

Upon which motion Mr. Kenner demanded the yeas and nays, and the motion to postpone was lost—Yeas 3, nays 8.

Mr. Rhett offered a resolution in relation to the nominations of major-generals,

The consideration of which was postponed.

Congress then proceeded to the consideration of the nominations before them, all of which, except the following, were confirmed on motion of Mr. Sparrow:

The following were postponed, viz:

Brigadier-general—M. L. Bonham, of South Carolina; R. Taylor, of Louisiana; W. H. Carroll, of Tennessee; H. W. Mercer, of Georgia; N. G. Evans, of South Carolina; L. T. Wigfall, of Texas.

On motion, the nominations of Surgs. David C. De Leon and Thomas H. Williams were postponed.

Mr. Waul objected to the confirmation of all surgeons and assistant surgeons.

The following nominations were, on motion, postponed, viz:

Charles S. Bowman, of Florida, second lieutenant of cavalry.

John M. Jones, of North Carolina, lieutenant-colonel, Adjutant-General's Department.

W. W. Mackall, of Texas.

Alexander M. Jackson, of Texas.

George G. Garner, of Louisiana.

Mr. Waul moved to take up the list of surgeons and assistant surgeons; which motion was agreed to.

The following nominations were also, on motion, postponed, viz:

Joseph F. Belton, of Florida, aid, first lieutenant.

W. H. Streshley, adjutant, with rank of first lieutenant.

O. O. Cobb, of Louisiana, adjutant, with rank of first lieutenant.

Robert Richardson, of Louisiana, adjutant, with rank of first lieutenant.

E. C. Barthelemy, of Louisiana, adjutant, with rank of first lieutenant.

Ferd. Siebert, of Texas, adjutant, with rank of first lieutenant.

Walter Clark, of Louisiana, adjutant, with rank of first lieutenant.

Peter Fox, of Louisiana, adjutant, with rank of first lieutenant.

Lieutenant-Colonel Stovall and Maj. A. F. Rudler, of the Georgia Battalion.

W. C. Wingfield, of Louisiana, commissary, with rank of major.

F. M. Jones, of Louisiana, commissary, with rank of major.

Thomas L. Maxwell, of Louisiana, commissary, with rank of major [captain].

Leigh Watkins, of Louisiana, commissary, with rank of major [captain].

Fred. E. Bridge, of Louisiana, commissary, with rank of major [captain].

W. H. H. Minge, of Louisiana, commissary, with rank of major [captain].

J. S. Wooster, of Louisiana, commissary, with rank of major [captain].

G. W. Buckner, of Louisiana, commissary, with rank of major [captain].

James G. Richardson, of Louisiana, commissary, with rank of major [captain].

D. F. Boyd, of Louisiana, commissary, with rank of major [captain].

Francis Q. Metage, of Louisiana, commissary, with rank of major [captain].

Dawson A. Blanchard, of Louisiana, commissary, with rank of major [captain].

Mr. Farrow moved that the names of those objected to be referred to the Committee on Military Affairs; which was not agreed to.

On motion of Mr. Kenner, the nomination of R. Taylor, of Louisiana, brigadier-general, was confirmed.

Mr. Curry moved to take up the nomination of Dr. S. P. Moore as Surgeon-General.

The motion prevailed.

And the question being taken on the confirmation of Doctor Moore to be Surgeon-General of the Confederate States,

It was decided in the affirmative.

Congress then resumed business in legislative session.



## TWENTY-SECOND DAY—SATURDAY, DECEMBER 14, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

## SECRET SESSION.

The Chair presented certain estimates from the Secretary of the Navy; which were referred to the Committee on Finance, without being read.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution to make an advance to the State of South Carolina on account of her claims against the Confederate States.

The Chair presented a communication on the flag and seal of the Confederacy; which was referred to the Committee on Flag and Seal, without being read.

The Chair also presented a communication from the President, returning to Congress

A bill for the granting of furloughs and discharges in certain cases, together with his objections to the same; which is as follows:

*To the Congress of the Confederate States.*

GENTLEMEN: I deem it my duty to return for your reconsideration, with my objections, "An act regulating furloughs and discharges in certain cases." I am unable to sign this act, as my judgment does not approve it, and I respectfully submit to you my reasons for withholding my signature.

By the terms of the act any sick or invalid soldier now out of camp, whether in hospital or not, shall be entitled to furlough or discharge, on the ground of bodily disability, upon the certificate of any surgeon of the Confederate States or of any surgeon of a hospital where the soldier is treated, whether such surgeon be in the Army or not. My objections lie both as to the principle of this act and the practical difficulties which will embarrass its execution.

I. I can not but regard it as extremely unwise to grant control over any soldier, to the extent of discharging him from service, to any body of men not employed in the service of the Government, over whom it exercises no control, and who present to it no guarantee whatever for the faithful discharge of the duties imposed on them. In the medical, as in all other professions, there are incompetent as well as unworthy men. This bill proposes to place the power of discharging from the public service the whole body of absent soldiers, now amounting probably to not less than 30,000 men, at the mercy of any physician who may call his office a hospital. The absent soldiers, out of camp, scattered over the entire Confederacy are to be allowed to leave the service at pleasure on producing the certificate of some man who signs himself a physician in charge of a hospital. No means are provided by the bill and, in the nature of things, no means can well be devised by which it can be ascertained at the office of the Adjutant-General whether the signature to the certificate is genuine or not; whether, if genuine, the signature is that of a physician, nor whether the signer, if he be a physician, have really a hospital in which the sick soldier is treated. I venture to say that there is not a man now out of camp, whether sick or well, who could not readily find means for procuring such a certificate as this bill contemplates at the most trifling cost.

II. Again, the bill applies to those only who are *now* out of camp. But if the principle of the bill is right, its application should be continuous and permanent, and I can not discover any reason why it should be confined to those not in camp. If a man out of camp is to have his discharge on a certificate of a surgeon and when far removed from the supervision of commanders, why not give the same right to the soldier in camp, where the presence of the commander would at least check the issue of fraudulent certificates? And if it be right to adopt this rule at all, why is it not as

well applicable to men who will be absent from camp next week as to those *now* absent? The special limitations of the bill to soldiers out of camp, and to those only *now* out of camp, indicate an intention to provide for some present exceptional emergency not defined with sufficient accuracy to prevent great mischief in the practical working of the law. If there be such emergency, to what class of cases does it extend? Does it exist everywhere, or only at one or more determinate points? The language of the bill requires to be better guarded to meet what I infer, from its phraseology, to be an exceptional case; and if there be such a case, I respectfully submit to Congress that it might be remedied in a less objectionable manner than is provided for in the bill.

III. It is obvious that the intent and purpose of this bill was humane, and directed to ameliorating the condition of the sick soldier, but in very many cases the opposite effect will be produced. The sick soldier, entitled to either furlough or discharge, now obtains it through the regularly appointed officers of the Government, provided with blank forms to be properly filled up, by means of which the rights of the soldier to his transportation and allowances can be readily liquidated. But by the provisions of the bill it will very frequently occur that owing to irregularities in his papers it will be impossible that his account can be settled at the office of the paymaster; still worse, he may be exposed to the loss of his cherished honor, to be branded as a deserter by his failure to secure the proper evidence of his honorable discharge.

I do not think that Congress can have been aware, that some weeks prior to the passage of this bill, the War Department had issued regulations relaxing the former rules dispensing with many of the formalities and simplifying the means of obtaining furloughs and discharges for the sick. I annex a copy of these regulations, which go as far as is in my opinion compatible with the necessities of the service, and which seem to me to render the legislation now proposed unnecessary.

JEFFERSON DAVIS.

GENERAL ORDERS, }  
No. 17. }

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,  
*Richmond, Va., November 7, 1861.*

Paragraphs IV and V of Army Regulations, published for guidance of the Army, August, 1861, are modified as follows:

"IV. Whenever a noncommissioned officer or soldier shall be unfit for military service in consequence of wounds, disease, or infirmity, his captain shall forward, through the commander of the regiment or battalion, to the brigade commander, or other officer next higher in rank to the commander of the regiment or battalion, a statement of the case, with a 'certificate of disability,' signed by the medical officer having charge of the invalid, with a recommendation for discharge or furlough, as the case may require; and if the recommendation be approved, the authority for discharge or furlough shall be indorsed on the 'certificate of disability,' which shall then be returned to the commanding officer of the regiment or battalion, who will cause the proper papers to be made out—final statements and discharge in the first case, furloughs and descriptive rolls in the second. The certificate of disability, properly indorsed in case of discharge, will be forwarded by commanding officer to Adjutant and Inspector General.

"V. Where invalids are absent from their regiments or companies in hospitals, the surgeon in charge will make out certificates of disability in all cases of disease likely to prove of long continuance, and forward them to commanding officer of regiment or battalion to which the invalid belongs, for reference, as prescribed in preceding paragraph."

By order of Secretary of War:

S. COOPER,  
*Adjutant and Inspector General.*

Mr. Ochiltree moved to postpone the consideration of the message of the President until Monday next.

The motion was agreed to.

And on motion of Mr. Johnson of Arkansas, the message of the President and the accompanying documents were ordered to be printed.

Mr. Kenner, from the Committee on Finance, reported and recommended the passage of

A bill making appropriations for the expenses of the Government in the legislative, executive, and judicial departments for the year ending 18th February, 1862.

Which, on motion, was postponed until Monday, placed on the Calendar, and ordered to be printed.

EXECUTIVE DEPARTMENT,  
*Richmond, December 14, 1861.*

*Mr. President:* The President has this day approved and signed  
A resolution to make an advance to the State of South Carolina, on account of her claims against the Confederate States.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Kenner, from the Committee on Finance, reported and recommended the passage of a

Resolution appointing John D. Morris, of Kentucky, a receiver under the act of sequestration, approved August 30, 1861; which was read first and second [times].

Mr. Toombs moved that the further consideration of the resolution be postponed for the present, and that it be placed on the Calendar and printed.

The motion was not agreed to.

Mr. Macfarland moved that the message of the President and the accompanying documents, relative to the appointment of John D. Morris, be printed.

The motion was not agreed to.

Mr. Rhett called the question, which was upon ordering the bill to be engrossed for a third reading; and

The call being sustained, the resolution was engrossed, read third time, and passed.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

The hour of 1 o'clock p. m. having arrived, which was the hour for taking up the special order of the day; which was

A bill to admit the Territory of Arizona, and to create the office of surveyor-general therein.

The consideration of the same, on motion of Mr. Campbell, was postponed until Monday next.

On motion of Mr. Kenner, Congress then proceeded to the consideration of a Calendar bill, reported from the Committee on Finance; which was

A bill further supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption;

And the first section of the same being under consideration; which is as follows, to wit:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury is hereby authorized to pay over to the several banks which have made advances to the Government, in anticipation of the issue of Treasury notes, a sufficient amount of Treasury notes to pay the principal and interest due upon the said advance, according to the engagements made with them.

Mr. Kenner, from the Committee on Finance, moved to amend the same by inserting after the word "amount" the following words, to wit: "not exceeding ten millions of dollars for the principal."

The amendment was agreed [to], and the section as amended reads as follows, to wit:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury is hereby authorized to pay over to the several banks which



have made advances to the Government, in anticipation of the issue of Treasury notes, a sufficient amount, not exceeding ten millions of dollars for the principal, of Treasury notes to pay the principal and interest due upon the said advance, according to the engagements made with them.

The second section of the bill being under consideration; which is as follows, to wit:

SEC. 2. The time fixed by the said act, to which this act is further supplementary, for making assessments, is hereby extended to the first day of January next; and the time for the completion and delivery of the lists is extended to the first day of February next; and the time for the return of the said lists to the chief collector is extended to the first day of March next; and in cases where the time thus fixed shall be found insufficient, the Secretary of the Treasury shall have power to make further extension as circumstances may require.

And no amendments to the same being proposed,

Congress proceeded to the consideration of the third section; which is as follows, to wit:

SEC. 3. The cash on hand or on deposit in bank, or elsewhere, mentioned in the fourth section of said act, is hereby declared to be subject to assessment and taxation; and the money at interest, or invested by individuals in the purchase of bills, notes, and other securities for money, shall be deemed to include securities for money belonging to nonresidents, and such securities shall be returned and the tax thereon paid by any agent or trustee having the same in possession or under his control. The term "merchandise" shall be construed to include merchandise belonging to any non-resident, and the property shall be returned and the tax paid by any person having the same in possession as agent, attorney, or consignee. The exception allowed by the twentieth section for agricultural products shall be construed to embrace such products only when in the hands of the producer, or held for his account.

Mr. Scott moved to amend the same by adding at the end thereof the following words, to wit:

But no tax shall be assessed or levied on any money at interest secured by bills, notes, or other securities if, by reason of insolvency, payment of such money can not be actually enforced; and no person shall be compelled to include in his list of taxable property any insolvent security held by him. In ascertaining the amount of money at interest, held by any person, all liquidated claims and demands owing to others by such person as principal debtor, shall be deducted.

Mr. Kenner called for a division of the question; which was agreed to; When,

Mr. House offered as a substitute for the first part of the amendment of Mr. Scott the following, to wit:

Provided the assessor shall have the same power to fix the value of securities for debt as he has in relation to the other property mentioned in this act.

Mr. Garland moved to lay both the amendment and the substitute on the table, and called the question; which was seconded.

And the vote having been taken thereon, the motion to lay on the table did not prevail.

The question then recurred upon agreeing to the amendment by way of substitute offered by Mr. House.

And the vote having been taken thereon, the same was not agreed to.

Mr. Chilton moved to amend the amendment of Mr. Scott by substituting in lieu of the first part thereof the following, to wit:

But no tax shall be assessed or levied on any money at interest when the note, bond, bill, or other security, taken for its payment, shall be worthless from the insolvency and total inability to pay of the payor or obligor or persons liable to make such payment; and all securities for money taxable under this act shall be assessed according to their value, and the assessor shall have the same power to ascertain the value of such securities as the law confers upon him with respect to other property.

The amendment was not agreed to.



Mr. Conrad moved to amend by inserting in lieu of the first part of the amendment of Mr. Scott the following words, to wit:

That the section of the said act be so amended that in case the debtors of any debt subject to taxation be deemed by the creditor insolvent, he shall have the right to have the same valued by disinterested parties, whereof one shall be chosen by the assessor and one by the creditor, and in case of disagreement they shall choose an umpire, who shall be sworn to make an impartial valuation thereof, and the tax shall be assessed on such value.

Mr. Sparrow called the question; which was seconded, and the vote having been taken thereon, the amendment was not agreed to.

Mr. De Witt moved to reconsider the vote by which the amendment of Mr. Chilton was lost.

Mr. Johnson of Arkansas moved to lay the motion to reconsider on the table.

The motion to lay on the table did not prevail.

Mr. Waul called the question, which was upon agreeing to the motion of Mr. De Witt, to reconsider the vote by which the amendment of Mr. Chilton was lost; and the call being sustained and the vote taken thereon, the motion to reconsider was agreed to.

Mr. Waul called the question, which was upon agreeing to the amendment of Mr. Chilton; and the call being sustained, the vote was taken, and the amendment was agreed to.

The question then recurring upon the adoption of the amendment of Mr. Chilton, the vote was taken and the same was adopted.

The question then recurring upon agreeing to the second portion of the amendment of Mr. Scott.

Mr. Waul called the question; which was seconded;

When,

Mr. Johnson of Arkansas, at the instance of his State, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Walker, Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Messrs. Johnson and Garland.

Florida—Nay: Mr. Morton.

Georgia—Nay: Messrs. Crawford and Wright.

Louisiana—Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, Orr, Bradford, and Harrison.

Missouri—Nay: Messrs. Cooke, Conrow, and Bell.

North Carolina—Yea: Messrs. Smith, Venable, Morehead, and Craige. Nay: Messrs. Davis and Avery.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett, Barnwell, and Keitt.

Tennessee—Yea: Messrs. De Witt, Thomas, and Caruthers. Nay: Mr. House.

Texas—Yea: Mr. Hemphill. Nay: Messrs. Reagan, Waul, and Ochiltree.

Virginia—Yea: Messrs. Seddon, W. B. Preston, Tyler, Macfarland, Bocock, Rives, Scott, Russell, and Walter Preston.

Yea: North Carolina, Tennessee, and Virginia, 3.

Nay: Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, South Carolina, and Texas, 8.

Divided: Arkansas, 1.

So the amendment was not agreed to.

Mr. Davis moved to amend by adding at the end of the section the following words, to wit:

Crude turpentine shall be considered an agricultural product and shall not be taxable in the hands of the producer, or of anyone purchasing it for distillation.

Mr. Seddon moved to amend the amendment by striking out therefrom the words "or of anyone purchasing it for distillation."

Mr. Sparrow moved to lay the amendment and the amendment to the amendment on the table, and called the question; which was seconded.

And the vote having been taken, the motion to lay on the table prevailed.

Mr. Campbell moved to amend by adding the following words, to wit:

The term "money at interest" shall not be construed to embrace accounts, notes, bills, or other securities for merchandise or property sold, or services rendered, and not being for money loaned.

Pending the consideration of which,  
Congress, on motion of Mr. Orr of Mississippi,  
Adjourned until Monday at 12 o'clock m.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented a communication from the President, making sundry nominations; which, upon motion, were referred to the Committee on Commerce.

The Chair also laid before Congress a communication from the President, making nominations of tax collectors; which were referred to the Committee on Finance.

Congress then went into legislative session.

#### TWENTY-THIRD DAY—MONDAY, DECEMBER 16, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Flinn.

Mr. Seddon announced the presence of Mr. Tho. B. Monroe and Mr. Henry C. Burnett, Delegates-elect from the State of Kentucky to the Provisional Congress, who came forward, were qualified, and took their seats.

Congress then resolved itself in secret session.

#### SECRET SESSION.

Congress having resolved itself in secret session,

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution appointing John D. Morris, of Kentucky, a receiver, under the act of sequestration, approved August 30, 1861.

Mr. Rhett offered the following resolution, viz:

*Resolved*, That the Judiciary Committee be instructed to inquire into and report to Congress the condition of the bills passed by Congress and vetoed by the President at the close of its last session, and what action it becomes Congress to take in relation thereto for the fulfillment of its constitutional duties.

On motion of Mr. Russell, the resolutions on the Calendar, in relation to the State of Maryland, were made the special order of the day for Thursday next.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the amendment offered by Mr. Campbell to the third section of a bill further supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Brooke moved to amend the amendment by striking out the same and substituting in lieu thereof the following words, to wit:

*Provided*, That the words "money at interest," as used in the act to which this act is an amendment, shall be so construed as to include all notes or other evidences of debt bearing interest without reference to the consideration of the same.

The hour for the special order having arrived, on motion of Mr. Kenner, the same was postponed and made the special order for Thursday next.

Mr. Kenner called the question on the motion of Mr. Brooke, to amend the amendment offered by Mr. Campbell.

The question was seconded and the motion was agreed to.

Mr. Thomason moved to amend the amendment as amended by striking out the same and inserting in lieu thereof the following words, viz:

*Provided*, That the term "money at interest" shall be construed to include only money loaned at interest or invested in the purchase of bills, notes, bonds, and other securities for money, except the bonds of the Confederate States as the same stood on the first day of October last, and that so much of the twentieth section of the act to which this is supplemental as is in conflict with this section be, and the same is hereby, repealed.

Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. McRae, Robinson, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Mr. Garland.

Florida—Nay: Messrs. Morton and Owens.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Wright, and Kenan.

Kentucky—Nay: Messrs. Mouroe and Burnett.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Bradford and Campbell. Nay: Messrs. Harris, Brooke, Orr, and Harrison.

Missouri—Nay: Messrs. Clark, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Mr. McDowell. Nay: Messrs. Avery, Smith, Venable, Morehead, Puryear, and Davidson.

South Carolina—Nay: Messrs. Rhett, Barnwell, Keitt, Memminger, and Boyce.

Tennessee—Yea: Messrs. House, Atkins, De Witt, and Currin. Nay: Messrs. Jones and Caruthers.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Reagan, Hemphill, Waul, and Oldham.

Virginia—Nay: Messrs. Seddon, William B. Preston, Tyler, Macfarland, Bocoek, Rives, Scott, Boteler, Johnston, Staples, and Walter Preston.

Yea: Arkansas and Tennessee, 2.

Nay: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Texas, and Virginia, 11.

So the motion was lost.

The question recurring on agreeing to the amendment of Mr. Brooke,

Mr. De Witt, at the instance of the State of Tennessee, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Yea: Messrs. Smith, McRae, Robinson, and Jones.

Arkansas—Yea: Mr. Garland. Nay: Messrs. Thomason and Watkins.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Toombs, Foreman, Crawford, Wright, and Kenan.

Kentucky—Yea: Mr. Monroe.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Brooke, Orr, and Harrison. Nay: Messrs. Harris and Campbell.

Missouri—Yea: Messrs. Clark, Harris, Conrow, Freeman, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, Venable, Morehead, Puryear, and Davidson. Nay: Mr. McDowell.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Memminger, and Boyce.

Tennessee—Yea: Messrs. Jones, Currin, and Caruthers. Nay: Messrs. House, Atkins, and De Witt.

Texas—Yea: Messrs. Hemphill and Waul. Nay: Messrs. Oldham and Ochiltree.

Virginia—Yea: Messrs. Seddon, William B. Preston, Macfarland, Bocoek, Rives, Scott, Boteler, Russell, Johnston, Staples, and Walter Preston.

Yea: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Virginia, 10.

Nay: Arkansas, 1.

Divided: Tennessee and Texas, 2.

The amendment was agreed to.

Mr. Harris of Mississippi moved to amend the third section of the bill by adding thereto the following words, viz:

The holder of notes, bonds, or evidences of debt bearing interest and purchased by him with money shall not be taxed on such notes, bonds, or evidences of debt, but on the price he paid for them.

Mr. Conrad moved to amend the amendment by striking out the words "the price he paid for them" and inserting in lieu thereof the words "the valuation thereof."

Mr. Kenner moved to lay the amendment and the amendment to the amendment on the table.

The motion prevailed.

A message was received from the President, informing Congress, through his Private Secretary, Mr. Josselyn, that he had this day approved and signed



A resolution appointing John D. Morris, of Kentucky, a receiver, under the act of sequestration, approved August 30, 1861.

Congress resuming consideration of the third section of the bill supplementary to the act to authorize the issue of Treasury notes, and to provide a war tax, etc.,

Mr. Perkins moved to amend the same by adding at the end of the section the following words, to wit:

And all lands and negroes owned by railroad corporations and forming part of the value of their stock be exempted from taxation.

Mr. Macfarland moved to amend the amendment by striking out the word "railroad."

The motion was lost.

The question recurring on the amendment offered by Mr. Perkins, the same was rejected.

Mr. Perkins offered to amend the same section by adding at the end thereof the words: "And all lands owned by railroad corporations and forming part of the value of their stock be exempted from taxation."

And Mr. Perkins, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Yea: Messrs. McRae and Jones. Nay: Messrs. Smith, Chilton, and Robinson.

Arkansas—Yea: Messrs. Johnson, Thomason, and Watkins. Nay: Mr. Garland.

Florida—Nay: Messrs. Morton and Owens.

Georgia—Nay: Messrs. Toombs, Crawford, Wright, and Kenan.

Kentucky—Nay: Mr. Monroe.

Louisiana—Yea: Messrs. Perkins, Conrad, Kenner, and Marshall. Nay: Mr. De Clouet.

Mississippi—Yea: Messrs. Harris and Bradford. Nay: Messrs. Orr and Harrison.

Missouri—Yea: Mr. Conrow. Nay: Mr. Clark.

North Carolina—Yea: Messrs. Davis and Davidson. Nay: Messrs. Avery, Smith, Venable, Morehead, and Puryear.

South Carolina—Yea: Messrs. Rhett, Keitt, and Boyce. Nay: Messrs. Barnwell and Memminger.

Tennessee—Yea: Messrs. House and Currin. Nay: Messrs. Jones, De Witt, and Caruthers.

Texas—Nay: Messrs. Reagan, Hemphill, Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, and Johnston. Nay: Messrs. William B. Preston, Tyler, Bocoek, Scott, Boteler, Russell, and Walter Preston.

Yea: Arkansas, Louisiana, and South Carolina, 3.

Nay: Alabama, Florida, Georgia, Kentucky, North Carolina, Tennessee, Texas, and Virginia, 8.

Divided: Mississippi and Missouri, 2.

The motion was lost.

The section as amended reads as follows, viz:

The cash on hand or on deposit in bank, or elsewhere, mentioned in the fourth section of said act, is hereby declared to be subject to assessment and taxation; and the money at interest, or invested by individuals in the purchase of bills, notes, and other securities for money, shall be deemed to include securities for money belonging to nonresidents, and such securities shall be returned and the tax thereon paid by any

agent or trustee having the same in possession or under his control. The term "merchandise" shall be construed to include merchandise belonging to any non-resident, and the property shall be returned and the tax paid by any person having the same in possession as agent, attorney, or consignee. *Provided*, That the words "money at interest," used in the act to which this act is an amendment, shall be so construed as to include all notes or other evidences of debt bearing interest without reference to the consideration of the same. The exception allowed by the twentieth section for agricultural products shall be construed to embrace such products only when in the hands of the producer, or held for his account. But no tax shall be assessed or levied on any money at interest when the note, bond, bill, or other security, taken for its payment, shall be worthless, from the insolvency and total inability to pay of the payor or obligor or person liable to make such payment; and all securities for money taxable under this act shall be assessed according to their value, and the assessor shall have the same power to ascertain the value of such securities as the law confers upon him with respect to other property.

The fourth section of the bill having been read as follows, viz:

SEC. 4. That an amount of money not exceeding twenty-five thousand dollars shall be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be disbursed under the authority of the Secretary of the Treasury, to the chief State tax collectors, for such expenses as shall be actually incurred for salaries of clerks, office hire, stationery, and incidental charges; but the books and printing required shall be at the expense of the Department and subject to its approval.

Mr. Russell moved to amend the same by adding at the end thereof the following words, viz:

The salary of the chief collector of taxes for Virginia shall be at the rate of three thousand dollars per annum.

Mr. House moved to amend the amendment by striking out the word "Virginia" and inserting in lieu thereof the words "each State," and by striking out the words "three thousand dollars" and inserting in lieu thereof the words "two thousand five hundred dollars."

The motion was lost.

The motion of Mr. Russell to amend was lost.

Mr. Smith of North Carolina moved to amend the bill by adding the following as an additional section, viz:

SEC. 8. That tax lists already given varying from the provisions of this act shall be corrected so as to conform thereto.

The motion prevailed.

The bill as amended was engrossed, read a third time, and passed.

The Chair presented to Congress the following message from the President, viz:

EXECUTIVE DEPARTMENT,  
Richmond, December 16, 1861.

*To the honorable President of the Congress.*

SIR: I herewith transmit to the Congress the report of the honorable Secretary of War, with accompanying documents.

JEFFERSON DAVIS.

Mr. Kenner offered the following resolution, viz:

*Resolved*, That this House will, on its adjournment on Thursday, the nineteenth instant, take a recess until the thirteenth day of January next.

The Chair laid before Congress a communication from the Secretary of the Navy, containing estimates "for the construction of fifty additional gunboats;"

which was referred to the Committee on Finance.

Congress took up the resolution authorizing the Secretary of Congress to employ temporary assistants.

On motion of Mr. Venable, the resolution was amended so as to relate back and allow the payment to William Martin of the sum of \$8 for two days' service in the Secretary's office on the 14th and 16th days of this month.

The resolution as amended was agreed to and reads as follows, viz:

A resolution to authorize the Secretary of Congress to employ temporary assistants.

*The Congress of the Confederate States of America do resolve*, That the Secretary of the Congress may employ assistants to aid in bringing up the business until the end of the session, who shall be paid at the rate of four dollars per day: *Provided*, That the chairman of the Committee on Accounts shall countersign said Secretary's certificates on the contingent fund of Congress for the pay of said assistants.

And this resolution shall so far relate back as to allow the payment to William Martin of the sum of eight dollars for two days' service in the Secretary's [office] on the fourteenth and sixteenth days of this month.

Congress adjourned until 12 o'clock to-morrow.

## TWENTY-FOURTH DAY—TUESDAY, DECEMBER 17, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Baker.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. De Clouet, from the Committee on Accounts, was, on motion of Mr. Wright, and by general consent, allowed to report

A bill to provide for the payment of the carriers of the electoral votes of the respective States;

which was read first and second times and ordered to be engrossed for a third reading.

Mr. Kenan moved to reconsider the vote by which the Congress ordered the bill to be engrossed for a third reading.

The motion prevailed;

When,

Mr. Kenan moved to amend the bill by inserting after the word "capital" the words "of the respective States."

The amendment was agreed to, and the bill as amended was engrossed, read a third time, and passed.

Mr. Harris, from the Committee on the Judiciary, by general consent, reported

A bill to amend an act for the sequestration of the property and estates of alien enemies;

which was read first and second times and, on motion, was placed on the Calendar and ordered to be printed.

Mr. Smith of Alabama presented the joint resolutions of the legislature of that State in regard to the increase of the pay of private soldiers; which was read and referred to the Committee on Military Affairs.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the communication of the Secretary of War, transmitting to Congress the reports of the various battles, etc.

Mr. Waul moved that the report of General Beauregard, of the battle of Manassas, should not be read.

The motion did not prevail.

The report having been read in full to the Congress,

Mr. Harrison moved to suspend the further reading of the reports of the battles.

Mr. Hemphill moved to amend the motion of Mr. Harrison by excepting the report of General Bragg of the battle of Pensacola.

The amendment was not agreed to.

And the question then recurring on the motion of Mr. Harrison, to suspend the further reading of the reports, and the vote having been taken thereon, the motion prevailed.

Mr. Waul moved to refer the report of the Secretary of War and the accompanying documents to the Committee on Military Affairs, with instructions to report to the Congress such portions of the same as in their judgment should be printed for the use of the Congress.

The motion was agreed to.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for the payment of the carriers of the electoral votes of the respective States of the Confederacy.

Mr. Kenan, from the Committee on Military Affairs, reported and recommended the passage of

A bill for the recruiting service of the Provisional Army of the Confederate States;

which was read first and second times, engrossed, read third time, and passed.

Mr. Kenner, from the Committee on Finance, to whom was referred

A bill for the transfer of certain appropriations, reported the same back and recommended its passage.

The bill was engrossed, read a third time, and passed.

Mr. Boyce offered

A resolution of thanks to Brig. Gen. N. G. Evans and the officers and soldiers under his command; which was read first and second times, engrossed, read a third time, and passed unanimously.

Mr. Avery, from the Committee on Military Affairs, to whom was referred

A resolution of inquiry as to the expediency of issuing commissions to certain officers, to date from the time of their commencement of service, reported

A bill to establish the date from which the commissions of certain staff officers shall have effect; which was read first and second times.

Mr. Jones of Tennessee moved to amend by adding the following words, to wit:

And all such officers who received commissions from their respective States, and actually discharged the duties of said office until their successors were appointed, shall receive pay from the time of their transfer to the time of the appointment of their successors,

And, upon which motion, at the instance of the State of Tennessee, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Mr. McRae.



Arkansas—Yea: Messrs. Thomason and Garland.

Florida—Yea: Mr. Owens.

Georgia—Yea: Mr. Wright. Nay: Messrs. Howell Cobb and Crawford.

Kentucky—Nay: Messrs. Monroe and Burnett.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. De Clouet and Marshall.

Mississippi—Yea: Messrs. Bradford and Campbell. Nay: Messrs. Harris, Brooke, and Harrison.

Missouri—Yea: Messrs. Clark, Conrow, and Bell.

North Carolina—Yea: Messrs. Davis, Smith, McDowell, Venable, Morehead, and Davidson. Nay: Mr. Avery.

South Carolina—Yea: Mr. Rhett. Nay: Mr. Boyce.

Tennessee—Yea: Messrs. House, Atkins, Jones, De Witt, and Currin.

Texas—Yea: Messrs. Oldham and Ochiltree. Nay: Messrs. Reagan and Waul.

Virginia—Yea: Messrs. Seddon, William B. Preston, Tyler, Macfarland, Bocock, Rives, Boteler, Brockenbrough, Russell, Staples, and Walter Preston.

Yea: Arkansas, Florida, Missouri, North Carolina, Tennessee, and Virginia, 6.

Nay: Alabama, Georgia, Kentucky, Louisiana, and Mississippi, 5.

Divided: South Carolina and Texas, 2.

So the amendment was not agreed to.

Mr. Seddon moved to amend by inserting after the word "volunteers" the following words, to wit: "and who may have commenced their service before receiving their commissions."

The amendment was agreed to; and

The bill as amended was engrossed, read third time, and passed.

Mr. Smith of Alabama moved to reconsider the vote by which the report of the Secretary of War and the accompanying documents were referred to the Military Committee, with instructions to report, etc., and on which, at the instance of the State of Alabama, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith and McRae.

Arkansas—Nay: Messrs. Thomason and Garland.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Foreman and Wright. Nay: Messrs. Howell Cobb and Kenan.

Kentucky—Nay: Messrs. Monroe and Burnett.

Louisiana—Yea: Messrs. Perkins and Marshall. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Nay: Messrs. Harris, Brooke, Orr, Bradford, Harrison and Campbell.

Missouri—Nay: Messrs. Clark, Conrow, and Bell.

North Carolina—Yea: Messrs. Smith, Morehead, and Puryear. Nay: Messrs. Davis, Avery, McDowell, Venable, and Davidson.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Barnwell and Boyce.

Tennessee—Yea: Mr. De Witt. Nay: Messrs. House, Atkins, Jones, and Currin.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Hemphill, Waul, and Oldham.

Virginia—Nay: Messrs. Seddon, William B. Preston, Tyler, Macfarland, Bocoek, Rives, Brockenbrough, and Russell.

Yea: Alabama and Florida, 2.

Nay: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

Divided: Georgia, 1.

So the motion to reconsider did not prevail.

The Chair presented a communication from the Secretary of War in reply to a resolution of inquiry from the Congress as to the number of troops enlisted for the war; which was read and laid on the table.

Mr. Kenner moved to take up for consideration the resolution introduced by him relative to the adjournment of Congress.

The motion was agreed to, and pending the consideration of the same,

Mr. Conrad moved that Congress do now adjourn, and upon which, at the instance of the State of Louisiana, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith and McRae.

Arkansas—Yea: Messrs. Thomason and Garland.

Florida—Nay: Messrs. Morton and Owens.

Georgia—Yea: Mr. Howell Cobb. Nay: Messrs. Foreman, Wright, and Kenan.

Kentucky—Nay: Messrs. Monroe and Burnett.

Louisiana—Yea: Messrs. Perkins and Conrad. Nay: Messrs. De Clouet, Kenner, and Marshall.

Mississippi—Yea: Messrs. Brooke, Bradford, Harrison, and Campbell. Nay: Messrs. Harris and Orr.

Missouri—Yea: Messrs. Clark and Conrow. Nay: Mr. Bell.

North Carolina—Yea: Messrs. Davis, Avery, Venable, and Puryear. Nay: Messrs. Smith, McDowell, Morehead, and Davidson.

South Carolina—Yea: Messrs. Rhett and Boyce. Nay: Mr. Barnwell.

Tennessee—Nay: Messrs. House, Atkins, Jones, De Witt, and Currin.

Texas—Yea: Messrs. Hemphill, Waul, and Oldham. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Seddon and William B. Preston. Nay: Messrs. Tyler, Bocoek, Rives, and Brockenbrough.

Yea: Alabama, Arkansas, Mississippi, Missouri, North Carolina, South Carolina, and Texas, 7.

Nay: Florida, Georgia, Kentucky, Louisiana, Tennessee, and Virginia, 6.

So the motion to adjourn prevailed; and

The Chair declared the Congress adjourned until 12 o'clock m. to-morrow.

TWENTY-FIFTH DAY—WEDNESDAY, DECEMBER 18, 1861.

OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Johns.

Mr. Monroe announced the presence of Mr. Thomas Johnson, a Delegate-elect from the State of Kentucky, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act providing for the transfer of certain appropriations;

An act to establish the date from which the commissions of certain staff officers shall take effect;

A resolution of thanks to Brig. Gen. N. G. Evans and the officers and soldiers under his command for their gallant conduct in the battle of Leesburg; and

An act for the recruiting service of the Provisional Army of the Confederate States.

Mr. Johnson of Arkansas, from the Committee on Indian Affairs, at the instance of that committee, moved that to-morrow be set apart for the consideration of the Indian treaties in executive session.

The motion was not agreed to.

Mr. Crawford, by general consent, offered a resolution providing for the appointment of a committee of three to examine into the manner by which the secret proceedings of Congress were made public, and giving said committee power to send for persons and papers.

Mr. Rhett called the question; which was seconded, when Mr. Kenan, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon;

When,

Mr. Harris of Missouri moved to reconsider the vote by which the demand for the question was sustained.

The motion to reconsider prevailed, and Mr. Rhett withdrew the demand for the question.

Mr. Crawford moved to amend his resolution by adding thereto the following words, to wit:

that said committee be instructed to report such legislation as will prevent the publication of the proceedings of this body in future, unless the injunction of secrecy be removed therefrom.

The amendment was agreed to.

And the question recurring upon the adoption of the resolution as amended, the same was adopted, and is as follows, to wit:

*Resolved*, That a committee of three be appointed by the Chair to examine into the manner by which the proceedings of this body have been made public, and that said committee have power to send for persons and papers, and that said committee be instructed to report such legislation as will prevent the publication of the proceedings of this body in future, unless the injunction of secrecy be removed therefrom.

The Chair announced the following as the committee:

Messrs. Conrad of Louisiana, Johnston of Virginia, and Avery of North Carolina.

The Congress then proceeded to the consideration of the unfinished business of yesterday; which was the resolution of Mr. Kenner, providing for a recess of Congress.

Mr. Waul moved to amend the resolution of Mr. Kenner by striking out the whole thereof and substituting in lieu of the same the following, to wit:

*Resolved*, That when this House adjourns on Monday, the twenty-third instant, it will adjourn to meet on the thirteenth day of January next.

Mr. Bocoek called the question; which was seconded, and Mr. Waul, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. McRae.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins. Nay: Mr. Johnson.

Florida—Yea: Messrs. Morton and Owens. Nay: Mr. Ward.

Georgia—Yea: Messrs. Foreman and Wright. Nay: Messrs. Howell Cobb, Crawford, and Kenan.

Kentucky—Yea: Mr. Johnson. Nay: Mr. Monroe.

Louisiana—Yea: Messrs. De Clouet and Kenner. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Orr, Bradford, Barry, Harrison, and Campbell. Nay: Mr. Brooke.

Missouri—Yea: Messrs. Cooke, Harris, Conrow, Freeman, and Bell. Nay: Messrs. Clark and Vest.

North Carolina—Yea: Messrs. Davis and McDowell. Nay: Messrs. Avery, Smith, Venable, Morehead, Puryear, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. Atkins, Currin, and Caruthers. Nay: Mr. De Witt.

Texas—Yea: Messrs. Hemphill, Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, William B. Preston, Hunter, Tyler, Macfarland, Bocoek, Boteler, Brockenbrough, Johnston, Staples, and Walter Preston.

Yea: Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Tennessee, and Texas, 8.

Nay: Georgia, North Carolina, South Carolina, and Virginia, 4.

Divided: Kentucky, 1.

So the amendment was agreed to.

Mr. Perkins moved to lay the amendment, by way of substitute of Mr. Waul, on the table.

When Mr. Foreman called the question; which was seconded, and

Mr. Perkins, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Mr. Smith.

Arkansas—Yea: Messrs. Johnson and Thomason. Nay: Mr. Watkins.

Florida—Yea: Mr. Ward. Nay: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, and Kenan. Nay: Messrs. Foreman and Wright.

Kentucky—Yea: Messrs. Monroe, Johnson, and Burnett.

Louisiana—Yea: Messrs. Perkins and Marshall. Nay: Messrs. De Clouet and Kenner.

Mississippi—Yea: Messrs. Harris, Orr, Bradford, Barry, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Conrow, Vest, and Freeman. Nay: Messrs. Cooke, Harris, and Bell.

North Carolina—Yea: Messrs. Davis, Venable, and Puryear. Nay: Messrs. Avery, Smith, McDowell, Morehead, and Davidson.

South Carolina—Yea: Messrs. Rhett and Boyce. Nay: Mr. Barnwell.

Tennessee—Yea: Messrs. Jones, De Witt, Currin, and Caruthers.

Texas—Yea: Messrs. Oldham and Ochiltree. Nay: Messrs. Hemphill and Waul.



Virginia—Yea: Messrs. Seddon, William B. Preston, Tyler, Macfarland, Bocoek, Rives, Boteler, Brockenbrough, Russell, and Johnston.

Yea: Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, South Carolina, and Virginia, 8.

Nay: Florida, North Carolina, and Tennessee, 3.

Divided: Louisiana and Texas, 2.

So the motion to lay on the table prevailed.

Mr. Johnson of Arkansas moved that to-morrow be set apart for the consideration of the Indian treaties in executive session.

The motion was agreed to.

Mr. Conrad moved that Friday next be set apart for the consideration of bills from the Committee on Naval Affairs.

The motion was agreed to.

On motion of Mr. Ochiltree, Congress then proceeded to the consideration of

A bill to organize the Territory of Arizona, and to create the office of surveyor-general therein;

And Mr. Oury, a Delegate from the Territory of Arizona, having addressed the Congress on the subject, the bill was, on motion of Mr. Ochiltree, recommitted to the Committee on Territories, with instructions to report a bill which shall be the special order of Saturday next.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act further supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

Mr. Boyce, by general consent, presented the petition of Rufus M. Johnston and others, relative to the sequestration act; which was referred to the Committee on the Judiciary, without being read.

EXECUTIVE DEPARTMENT,  
*Richmond, December 18, 1861.*

*Mr. President:* The President has this day approved and signed

An act to provide for the payment of the carriers of the electoral votes of the respective States of the Confederacy;

An act to establish the date from which the commissions of certain staff officers shall take effect; and

A resolution of thanks to Brig. Gen. N. G. Evans and the officers and soldiers under his command for their gallant conduct in the battle of Leesburg.

ROBERT JOSSELYN,  
*Private Secretary.*

The Chair presented a communication from the President, transmitting to Congress a letter from the Attorney-General relative to taxes due on sequestered property; which was read and referred to the Committee on the Judiciary, and is as follows, to wit:

EXECUTIVE DEPARTMENT,  
*Richmond, December 18, 1861.*

*To the honorable President of the Congress.*

SIR: Herewith I transmit a letter of the Attorney-General, covering a communication on the subject of taxes due upon property sequestered by the Government of the Confederate States, and for which it is liable to be sold on account of the several States.

The attention of Congress is called to the necessity of providing for the payment of sums now due, as well as those which will become due, on account of the property referred to and which it is believed must remain subject to taxation by the several States.

JEFFERSON DAVIS.

The Chair also presented a message from the President; which was read and, with accompanying documents, referred to the Committee on Military Affairs, and which is as follows, to wit:

*To the Provisional Congress of the Confederate States:*

I herewith transmit a copy of a communication from Mr. William S. Ashe, urging the completion of certain railroads as necessary for the proper transportation of troops and military stores in the exigencies of the present war. I also transmit a copy of a communication from Mr. E. Fontaine, president of the Central Railroad of Virginia, urging the completion of twenty miles of the Covington and Ohio Railroad upon considerations of military necessity.

I communicate to you with these letters a series of resolutions adopted at a convention of railroad presidents, held in Richmond on the 6th December, asking for the assistance of the Confederate Government in procuring certain supplies which are indispensable to the railroad system of the country.

That certain appropriations which otherwise could not be constitutionally made by the Confederate Government come within the range of its powers when absolutely necessary for the prosecution of a war there is no doubt. It is equally clear that when this military necessity ceases the right to make such appropriations no longer exists. To exercise this power, when it exists, and to confine it within the proper limits, is a matter for the just discretion of Congress; and to enable it to act upon the interesting subjects to which they relate, I transmit the communications and resolutions which accompany this message.

I have already recommended that the Confederate Government should assist in making a railroad from Danville, Va., to Greensboro, N. C., upon the ground of a strong military necessity for completing an interior through line from Virginia to the Southern Atlantic States. I deem this to be necessary, not only on account of the superior safety of such a line from hostile inroads and invasions, but because of the great additional facilities which its completion would afford for the transportation of troops and military supplies. The road from Selma, Ala., to Meridian, Miss., is a link that has claims similar to the road already recommended to your assistance in a previous message. Whilst the completion of the twenty miles of the Covington and Ohio Railroad, as proposed by Mr. Fontaine, might be eminently useful for military purposes, I can not, in the present condition of the Treasury, recommend that you should contribute by direct appropriation.

The resolution of the convention of railroad presidents and superintendents relates to a most important subject. If the railroads should be generally disabled from transporting troops and military supplies for the prosecution of the war, the result would be most disastrous. It is urged that the capital necessary to construct the establishments required for re-rolling rails and the manufacture of locomotives can not well be had unless the Confederate Government would make some advance for the purpose. With the machinery proper for rolling the rails there might be connected that which is necessary for rolling plates, for uses which are wanted in the naval service. How far it would be proper for Congress to authorize advances to be made on contracts to furnish these plates or engines it would be for that body to consider and determine. Some such advance might facilitate and secure the establishment of works which would at the same time furnish what is required by the Government, re-rolling the railroad iron, and make locomotives for the use of the railroads.

The exigency is believed to be such as to require the aid of the Government, and is commended to your favorable consideration.

JEFFERSON DAVIS.

RICHMOND, *December 17, 1861.*

The Chair also presented a communication from the President; which, with the accompanying documents, was read and laid on the table, and which is as follows, to wit:

EXECUTIVE DEPARTMENT,  
*Richmond, December 18, 1861.*

*To the honorable President of the Congress.*

SIR: I herewith transmit to the Congress a copy of a joint resolution of the State of Tennessee in accordance with the request of that body.

JEFFERSON DAVIS.

EXECUTIVE DEPARTMENT,  
*Richmond, December 18, 1861.*

*Mr. President:* The President has this day approved and signed  
An act providing for the transfer of certain appropriations.

ROBERT JOSSELYN,  
*Private Secretary.*

On motion of Mr. Kenan, Congress then resolved itself into executive session;<sup>a</sup> and having spent some time therein, again resolved itself into legislative session.

Mr. Kenan, from the Committee on Military Affairs, returned an enrolled bill, and by unanimous consent was allowed to make a verbal alteration in the same, to wit: by striking out the words "the various regiments" and inserting in lieu thereof "service for the war or for three years."

Congress, on motion of Mr. Thomason,  
Then adjourned until 12 o'clock to-morrow.

TWENTY-SIXTH DAY—THURSDAY, DECEMBER 19, 1861.

OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

SECRET SESSION.

Congress being in secret session,

Mr. Orr presented the memorial of a surgeon of a Mississippi regiment; which was referred to the Committee on Military Affairs, without being read.

Mr. House offered the following resolution; which was read, and is as follows, to wit:

*Resolved*, That the Secretary of the Navy be empowered to purchase four steam-boats, to be converted as soon as practicable into gunboats, for the defense of the Cumberland River, and also to procure a like number of gunboats for the defense of the Tennessee River, at the earliest practicable moment.

Mr. Barnwell moved to refer the resolution to the Committee on Naval Affairs.

The motion did not prevail.

The question then recurred upon agreeing to the resolution of Mr. House; and the vote having been taken thereon, the same was adopted.

Mr. Russell moved that Congress do now proceed to the consideration of the special order for the day; which was the consideration of a resolution relating to Maryland, offered by himself.

The motion was agreed to, and Congress having proceeded to the consideration of the resolution; which is as follows, to wit:

*Resolved by the Congress of the Confederate States of America*, That the sufferings of the good people of Maryland, under the oppression of our enemy, excite our profound sympathy and entitle them to speedy and efficient exertions on our part for their relief; and that the war should be prosecuted with a view to facilitate the admission of Maryland into this Confederation with the full consent of her people,

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<sup>a</sup>The Journal of this executive session has not been found.

Mr. Russell moved to amend the same by striking out therefrom the following words, to wit:

and that the war should be prosecuted with a view to facilitate the admission of Maryland into this Confederation with the full consent of her people,

And by inserting in lieu of the same the following words, to wit:

that it is the desire of this Government, by appropriate measures, to facilitate the accession of Maryland, with the free consent of her people, to the Confederate States.

The amendment was agreed to.

And the preamble of the same being under consideration; which is as follows, to wit:

Whereas the State of Maryland has suffered the same wrongs which impelled these Confederate States to withdraw from the United States, and is intimately associated with these States by geographical situation, by mutual interests, by similarity of institutions, and by enduring sentiments of reciprocal amity and esteem; and

Whereas it is believed that a large majority of the good people of Maryland earnestly desire to unite their State with the Confederate States; a desire which is proved to exist even by the violent, extraordinary, and tyrannical measures employed by our enemy to restrain the expression thereof; and

Whereas the Government of the United States, by imprisoning members of the legislature of Maryland, by establishing powerful armies of foreign troops within that State and along her borders, and by suppressing with armed force the freedom of speech and of elections, has prevented the people and their representatives from adopting the political connection which they prefer, and, in revenge of their preference, has inflicted upon them many outrages and established over them a foreign despotism; and

Whereas the accession of Maryland to this Confederation will be mutually beneficial, and is especially important to Virginia as well as Maryland: Be it therefore.

Mr. Russell moved to amend the same by striking out therefrom the following words, to wit: "and is especially important to Virginia as well as Maryland."

The amendment was agreed to; and

Mr. Rives moved further to amend by inserting therein the following words, to wit: "and is essential to the security and dignity of the Confederate States."

The amendment was agreed to.

And the preamble and resolution as amended were engrossed, read a third time.

Mr. Rhett moved to reconsider the vote by which the Congress ordered the resolution to be engrossed for a third reading.

The motion prevailed; and

Mr. Rhett moved to amend the same by adding as an additional resolution the following, to wit:

That no peace ought to be concluded with the United States which does not insure to Maryland the opportunity of forming a part of this Confederacy.

And upon which he called the question; which was seconded;

When,

Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Hale, and McRae.

Arkansas—Yea: Messrs. Johnson, Thomason, and Garland.

Florida—Yea: Mr. Owens.

Georgia—Yea: Mr. Toombs.

Kentucky—Yea: Messrs. Monroe and Johnson.

Louisiana—Yea: Messrs. Perkins and De Clouet. Nay: Mr. Conrad.



Mississippi—Yea: Messrs. Harris and Bradford. Nay: Messrs. Barry and Campbell.

Missouri—Yea: Messrs. Clark, Cooke, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Avery, Venable, Morehead, and Davidson. Nay: Messrs. Davis and McDowell.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce. Nay: Mr. Memminger.

Tennessee—Yea: Messrs. House, De Witt, Currin, and Caruthers.

Texas—Yea: Messrs. Waul and Oldham.

Virginia—Yea: Messrs. Seddon, William B. Preston, Hunter, Tyler, Macfarland, Bocoek, Rives, Boteler, Brockenbrough, Russell, Johnston, Staples, and Walter Preston.

Yea: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 12.

Divided: Mississippi, 1.

So the amendment was agreed to.

And Mr. Russell moved to amend the title to the same by making it read "Resolutions relating to Maryland," in lieu of "A resolution relating to Maryland."

The amendment was agreed to.

And the resolution as amended, together with the preamble and title, was engrossed, read a third time, and passed, and is as follows, to wit:

Resolutions relating to Maryland.

Whereas the State of Maryland has suffered the same wrongs which impelled these Confederate States to withdraw from the United States, and is intimately associated with these States by geographical situation, by mutual interests, by similarity of institutions, and by enduring sentiments of reciprocal amity and esteem; and

Whereas it is believed that a large majority of the good people of Maryland earnestly desire to unite their State with the Confederate States; a desire which is proved to exist even by the violent, extraordinary, and tyrannical measures employed by our enemy to restrain the expression thereof; and

Whereas the Government of the United States, by imprisoning members of the legislature of Maryland, by establishing powerful armies of foreign troops within that State and along her borders, and by suppressing with armed force the freedom of speech and of elections, has prevented the people and their representatives from adopting the political connection which they prefer, and, in revenge of their preference, has inflicted upon them many outrages and established over them a foreign despotism; and

Whereas the accession of Maryland to this confederation will be mutually beneficial, and is essential to the security and dignity of the Confederate States: Be it therefore

*Resolved by the Congress of the Confederate States of America,* That the sufferings of the good people of Maryland, under the oppression of our enemy, excite our profound sympathy and entitle them to speedy and efficient exertions on our part for their relief.

Second. That it is the desire of this Government, by appropriate measures, to facilitate the accession of Maryland, with the free consent of her people, to the Confederate States.

Third. That no peace ought to be concluded with the United States which does not insure to Maryland the opportunity of forming a part of this Confederacy.

EXECUTIVE DEPARTMENT,

Richmond, December 19, 1861.

*Mr. President:* The President has this day approved and signed

An act further supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

ROBERT JOSSELYN,

*Private Secretary.*

The Chair presented certain estimates of the Secretary of the Treasury; which were referred to the Committee on Finance, without being read.

Mr. Barnwell, from the Committee on Finance, by unanimous consent, reported back and recommended the passage of

An act for the per diem and mileage of carriers of the electoral votes for President and Vice-President to the seat of government; which was engrossed, read third time, and passed.

On motion of Mr. Johnson of Arkansas, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act for the recruiting service of the Provisional Army of the Confederate States.

EXECUTIVE DEPARTMENT,  
*Richmond, December 19, 1861.*

*Mr. President:* The President has this day approved and signed

An act for the recruiting service of the Provisional Army of the Confederate States.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act for the per diem and mileage of carriers of the electoral votes for President and Vice-President to the seat of government.

Mr. Johnson moved that to-morrow be set apart for the further consideration of the Indian treaties in executive session.

The motion prevailed.

And, on motion of Mr. Venable,

Congress adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

On motion of Mr. Smith, the nomination of N. G. Evans, of the State of South Carolina, was taken up, and Congress advised and consented to the nomination.

Mr. Johnson of Arkansas, from the Committee on Indian Affairs, to whom was referred the message of the President, with accompanying documents, in reference to treaties with various Indian tribes, reported back to Congress the treaty between the Choctaw and Chickasaw nations of Indians and the Confederate States of America, recommending that Congress do ratify the same, with amendments hereafter reported.

The twenty-seventh article of the treaty having been read, as follows, viz:

ARTICLE XXVII. In order to enable the Choctaw and Chickasaw nations to claim their rights and secure their interests without intervention of agents or counsel, and as they are now entitled to reside in the country of each other, they shall be jointly entitled to a Delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member, by birth or blood, on either the father's or mother's side, of one of said nations, over twenty-one years of age, and laboring under no legal disability by the laws of either nation; and such Delegate shall be entitled to the same rights and privileges as may be enjoyed by Delegates from any Territory of the Confederate States. The first election for Delegate shall be held at such time and places, and be conducted in such manner as

shall be prescribed by the agent of the Confederate States, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the times, places, and manner of holding them, ascertaining and certifying the result, shall be prescribed by law of the Confederate States. The Delegates shall be elected alternately from each nation, the first being a Choctaw, by blood, on either the father's or mother's side, and resident in the Choctaw country; and the second a Chickasaw, by blood, on either the father's or mother's side, and resident in the Chickasaw country, and so on alternately. At the respective elections, such persons only as fulfill the foregoing requisites shall be eligible, and when one is elected to fill a vacancy and serve out an unexpired term, he must belong to, and be resident in, the same nation as the person whose vacancy he fills.

Mr. Johnson of Arkansas moved to amend the same by striking therefrom the following words, viz:

to the same rights and privileges as may be enjoyed by Delegates from any Territory of the Confederate States.

The question being,

Shall the words remain a part of the article?

The vote thereon was taken by States,

And is as follows, viz: { Yeas .....	0
{ Nays .....	13

Yea: 0.

Nay: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 13.

Two-thirds of the States voting in the negative, the words were stricken out.

Mr. Johnson of Arkansas moved to insert in lieu of the words stricken out, the following words, to wit:

to a seat in the Hall of the House of Representatives, to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto and on other questions in which either of said nations is particularly interested, and such other rights and privileges as may be determined by the House of Representatives.

Mr. Barnwell moved to amend the amendment by striking out all of the same, except the following words, viz:

such rights and privileges as may be determined by the House of Representatives.

Mr. Brooke moved to lay the motion of Mr. Barnwell on the table.

The motion prevailed.

The question recurring on the motion of Mr. Johnson of Arkansas, the vote thereon was taken by States,

And is as follows, viz: { Yeas .....	13
{ Nays .....	0

Yea: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 13.

Nay: 0.

Two-thirds of the States voting in the affirmative, the motion was agreed to.

The twenty-eighth article having been read as follows, viz:

ARTICLE XXVIII. In consideration of the uniform loyalty and good faith, and the tried friendship for the people of the Confederate States, of the Choctaw and Chickasaw people, and of their fitness and capacity for self-government, proven by the establishment and successful maintenance, by each, of a regularly organized republican government, with all the forms and safeguards to which the people of the Confederate States are accustomed, it is hereby agreed by the Confederate States, that

whenever and so soon as the people of each of said nations shall, by ordinance of a convention of delegates, duly elected by majorities of the legal voters, at an election regularly held after due and legal notice, in pursuance of an act of the legislature of each, respectively, declare its desire to become a State of the Confederacy, the whole Choctaw and Chickasaw country, as above defined, shall be received and admitted into the Confederacy as one of the Confederate States, on equal terms, in all respects, with the original States, without regard to population; and all the members of the Choctaw and Chickasaw nations shall thereby become citizens of the Confederate States, not including, however, among such members, the individuals of the bands settled in the leased district aforesaid: *Provided*, That, as a [condition] precedent to such admission, the said nations shall provide for the survey of their lands, the holding in severalty of parts thereof by their people, the dedication of at least one section in every thirty-six to purposes of education, and the sale of such portions as are not reserved for these, or other special purposes, to citizens of the Confederate States alone, on such terms as the said nation shall see fit to fix, not intended or calculated to prevent the sale thereof.

Mr. Johnson of Arkansas, from the Committee on Indian Affairs, moved to amend the same by striking out the following words, viz:

the whole Choctaw and Chickasaw country, as above defined, shall be received and admitted into the Confederacy as one of the Confederate States, [on equal terms, in all respects, with the original States,] without regard to population; and.

The question being,

Shall the words designated remain as part of the article?

The vote thereon was taken by States,

And is as follows, viz: {	Yeas -----	0
	Nays -----	13

Yea: 0.

Nay: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 13.

Two-thirds of the States voting in the negative, the words were stricken out.

Mr. Johnson of Arkansas moved to amend by inserting in lieu of the words stricken out, the following words, viz:

the application of the said nations to be admitted as a State into the Confederacy on equal terms, in all respects, with the original States, shall be referred to and considered by the Congress of the Confederate States, by whose act alone, under the Constitution, new States can be admitted, and whose consent it is not in the power of the President or of the present Congress to guarantee in advance; and if the Congress shall assent to such admission, the whole Choctaw and Chickasaw country, as above herein defined, shall constitute the State admitted, and in case of such admission.

The question being on the amendment of Mr. Johnson, the vote thereon having been taken by States,

Is as follows, viz: {	Yeas -----	12
	Nays -----	0

Yea: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Tennessee, Texas, and Virginia, 12.

Nay: 0.

Two-thirds of the States voting in the affirmative, the amendment was agreed to.

Mr. Garland moved that Congress resolve itself into legislative session, with leave to sit in executive session again at 12 o'clock to-morrow.

The motion was lost.

After further consideration of the treaty,

On motion of Mr. McRae,

Congress resolved itself into legislative session.



## TWENTY-SEVENTH DAY—FRIDAY, DECEMBER 20, 1861.

## OPEN SESSION.

Congress met pursuant to adjournment, Mr. Bocoek being in the chair, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

On motion of Mr. Currin, went into executive session; and having spent some time therein, again resolved itself into legislative session.

EXECUTIVE DEPARTMENT,  
*Richmond, December 20, 1861.*

*Mr. President:* The President has this day approved and signed

An act for the per diem and mileage of carriers of the electoral votes for President and Vice-President to the seat of government.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Rives, by unanimous consent, was allowed to make a verbal alteration in the resolutions relating to Maryland, to wit, by striking out therefrom the word "dignity" and inserting in lieu thereof the word "integrity," and by striking out the word "States" and by inserting in lieu thereof the word "Union."

Mr. Johnson of Arkansas moved that the Congress take a recess until 7 o'clock p. m.

Mr. McRae moved that the Congress do now adjourn.

The motion did not prevail.

Mr. Perkins moved that the Congress do now adjourn, to meet again to-morrow at 10 o'clock a. m.

The motion was not agreed to.

The question then recurring upon the motion of Mr. Johnson of Arkansas, to take a recess until 7 o'clock p. m., and the vote having been taken thereon,

The motion prevailed.

7 O'CLOCK P. M.

Congress met pursuant to adjournment, and on motion of Mr. Johnson of Arkansas, resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. William Ballard Preston, from the Committee on Military Affairs, to whom was referred the report and accompanying documents of the Secretary of War, made a report thereon; which was laid on the table for the present.

Mr. Johnson of Arkansas moved that from and after 1 o'clock p. m. to-morrow be set apart for the consideration of the Indian treaties in executive session.

Mr. Garland called the question; which was seconded, and

Mr. Johnson, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Mr. Hale.

Arkansas—Yea: Messrs. Johnson, Thomason, and Garland.

Florida—Nay: Mr. Owens.  
 Kentucky—Yea: Mr. Monroe.  
 Louisiana—Nay: Mr. Perkins.  
 Mississippi—Yea: Messrs. Harris and Harrison. Nay: Mr. Campbell.  
 Missouri—Yea: Messrs. Clark, Conrow, and Bell.  
 North Carolina—Yea: Messrs. Davis, Avery, Venable, Morehead,  
 Puryear, and Davidson. Nay: Mr. Smith.  
 South Carolina—Nay: Mr. Boyce.  
 Tennessee—Yea: Messrs. Currin and Caruthers.  
 Texas—Yea: Mr. Oldham. Nay: Messrs. Hemphill, Waul, and  
 Ochiltree.

Virginia—Yea: Messrs. Bocock and Boteler. Nay: Messrs. Wil-  
 liam B. Preston and Macfarland.

Yea: Arkansas, Kentucky, Mississippi, Missouri, North Carolina,  
 and Tennessee, 6.

Nay: Alabama, Florida, Louisiana, South Carolina, and Texas, 5.

Divided: Virginia, 1.

Not voting: Georgia, 1.

The motion did not prevail.

Mr. Johnson moved to reconsider the vote by which the House  
 refused to agree to his motion.

The motion to reconsider prevailed; and

The House, on motion of Mr. Ochiltree, agreed to take up the con-  
 sideration of the Indian treaties after 1 o'clock p. m. in executive ses-  
 sion, providing that the treaty with the Comanche Indians should be  
 last considered.

Mr. Owens presented the memorial of T. N. Palmer; which was  
 referred to the Committee on the Judiciary, without being read.

Mr. Hemphill introduced

A bill relating to the transfer of claims upon the Confederate States;  
 which was read first and second times and, on motion, placed on the  
 Calendar.

And Congress, on motion of Mr. Garland,

Adjourned until 12 m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The special order, being the consideration of the Indian treaties,  
 was taken up.

Mr. Currin moved that the special order be postponed and that  
 Congress proceed to consider the nomination of W. H. Carroll, of  
 Tennessee, as brigadier-general.

Mr. Conrad moved to postpone the same.

Mr. Waul called the question: which was seconded.

Mr. Currin demanded the yeas and nays.

The question being on the motion of Mr. Conrad, to postpone the  
 confirmation of Mr. Carroll, of Tennessee, as brigadier-general, the  
 vote thereon was taken by States,

And is as follows, viz: {	Yeas .....	6
	Nays .....	5
	Divided .....	2

Yea: Alabama, Florida, Georgia, Kentucky, Louisiana, and South  
 Carolina.

Nay: Mississippi, Missouri, North Carolina, Tennessee, and Virginia.

Divided: Arkansas and Texas.

So the motion to postpone was lost.

Mr. Johnson of Arkansas called the question; which was seconded.

And the nomination of W. H. Carroll, of Tennessee, as brigadier-general in the Army of the Confederate States was confirmed.

Congress then proceeded to the consideration of the treaty between the Choctaw and Chickasaw nations of Indians and the Confederate States of America.

The forty-third article of the treaty having been read; which is as follows, viz:

ARTICLE XLIII. All persons who are members of the Choctaw or Chickasaw Nation, and are not otherwise disqualified or disabled, shall hereafter be competent witnesses in all civil and criminal suits and proceedings in any court of the Confederate States, or of any one of the States, any law to the contrary notwithstanding.

Mr. Johnson of Arkansas moved to amend the same by striking out the words "or of any one of the States" and inserting at the end of the article the following words:

And the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their several courts.

The amendment was agreed to; and

Article XLIII as amended was, two-thirds of the States voting in the affirmative, adopted.

The forty-fourth article having been read; which is as follows, viz:

ARTICLE XLIV. Whenever any person who is a member of the Choctaw or Chickasaw Nation shall be indicted for any offense in any court of the Confederate States, including the district court of the Tush-ca-hom-ma district, or in a State court, he shall be entitled, as of common right, to subpoena, and, if necessary, compulsory process for all such witnesses in his behalf as his counsel may think material for his defense; and the costs of process for such witnesses, and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterwards made, if practicable, in case of conviction, [out] of the property of the accused. And whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

Mr. Monroe moved to amend Article XLIV by striking out the following words: "or in a State court" and insert in lieu thereof the following words, viz: "or in a State court, subject to the laws of the State."

The question being on agreeing to the amendment, the vote thereon was taken by States.

And is as follows, to wit: {	Yeas.....	4
	Nays .....	5
	Divided.....	4

Yea: Arkansas, Missouri, North Carolina, and Tennessee.

Nay: Alabama, Florida, South Carolina, Texas, and Virginia.

Divided: Georgia, Kentucky, Louisiana, and Mississippi.

Two-thirds of the States not voting in the affirmative, the motion to amend was lost.

A message was received from the President, transmitting Indian treaties, etc.; which were referred to the Committee on Indian Affairs.

Mr. Johnson of Arkansas moved to reconsider the vote on the amendment offered by Mr. Monroe.

Mr. Macfarland called the question; which was seconded.

Mr. Monroe moved to reconsider the vote by which the call for the question was sustained.

Mr. Waul called the question; which was seconded.

And the motion to reconsider did not prevail.

The question then recurring on the amendment of Mr. Monroe,

Mr. House of Tennessee demanded the yeas and nays thereon; which were taken by States,

And are as follows, viz: {	Yeas.....	12
	Nays .....	0
	Divided ..	1

Yea: Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 12.

Nay: 0.

Divided: Alabama, 1.

Two-thirds of the States voting in the affirmative,

The amendment was agreed to.

The Chair presented a communication from the President, making sundry nominations of surgeons in the Army; which, on motion of Mr. Harris, were agreed to.

Also, several nominations of officers in the Confederate States Army; which were, on motion, referred to the Committee on Military Affairs.

Mr. Smith of Alabama moved to take up the nomination of Joseph B. Cherry, of North Carolina, as adjutant in the Provisional Army of the Confederate States.

The motion prevailed, and the Congress advised and consented to the same.

Mr. Conrad moved to confirm certain nominations, the objections to the same made at a previous session having been withdrawn.

The motion was agreed to, and the Congress advised and consented to said nominations.

Mr. Ochiltree moved to take up for consideration the nomination of Louis T. Wigfall, of Texas, as brigadier-general in the Provisional Army of the Confederate States; which was agreed to, and Congress advised and consented to the same.

Mr. Foreman moved the confirmation of Hugh W. Mercer, of Georgia, as brigadier-general in the Provisional Army of the Confederate States of America.

And Congress advised and consented to said nomination.

On motion of Mr. Johnson of Arkansas,

Congress then resumed legislative session.

## TWENTY-EIGHTH DAY—SATURDAY, DECEMBER 21, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, Mr. Bocoek being in the chair, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Hale presented sundry petitions; which were referred to the Committee on Postal Affairs, without being read.



Also, joint resolutions of the legislature of Alabama; which were referred to the Committee on Military Affairs, without being read.

Mr. Garland introduced

A bill to provide for the payment of pensions in the Confederate States of America, and the Indian tribes under their protection; which was read first and second times and referred to the Committee on the Judiciary.

Mr. Monroe introduced

A bill to determine the number of members the State of Kentucky shall be entitled to have in the House of Representatives of the Congress of the Confederate States, and in relation to the election and returns thereof;

which was read first and second times.

Mr. Ochiltree moved to refer the same to the Committee on the Judiciary, and upon which, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Mr. Hale.

Arkansas—Yea: Mr. Garland. Nay: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Messrs. Ward and Owens.

Kentucky—Nay: Messrs. Monroe and Johnson.

Louisiana—Yea: Messrs. Perkins, De Clouet, and Conrad.

Mississippi—Yea: Messrs. Barry and Campbell. Nay: Messrs. Harris, Orr, and Harrison.

Missouri—Yea: Mr. Harris. Nay: Messrs. Clark, Cooke, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Davis, Avery, Smith, and Venable. Nay: Messrs. Puryear and Davidson.

South Carolina—Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Messrs. House, De Witt, and Currin. Nay: Mr. Caruthers.

Texas—Yea: Messrs. Hemphill, Oldham, and Ochiltree. Nay: Mr. Waul.

Virginia—Yea: Messrs. William B. Preston, Tyler, Boteler, and Staples. Nay: Messrs. Macfarland, Bocoek, Rives, Brockenbrough, and Johnston.

Yea: Florida, Louisiana, North Carolina, Tennessee, and Texas, 5.

Nay: Alabama, Arkansas, Kentucky, Mississippi, Missouri, South Carolina, and Virginia, 7.

Not voting: Georgia, 1.

So the motion to refer did not prevail.

The bill was then engrossed, read third time, and passed.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

Resolutions relating to Maryland.

Mr. Perkins offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the estimates from the several Departments be printed for the use of the House.

Also, the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of the Treasury be requested to communicate to Congress, for information, the returns of the produce loan up to this date, together with

suggestions as may relate to the same; also copies of such circular letters as he has addressed to the agents of the Government upon this subject.

Mr. Conrad asked to be excused from serving on the committee raised to inquire and report upon the manner by which the secret proceedings of the House were made public, etc.

The House refused to grant the request.

Mr. Harris, from the Committee on the Judiciary, to whom was referred the message of the President and accompanying documents relative to the taxes on sequestered property, reported and recommended the passage of

A bill in relation to the taxes on property which has been, or is liable to be, sequestered as the property of alien enemies; which was read first and second times, engrossed, read third time, and passed.

Mr. Johnson moved that Congress do now resolve itself into executive session, and at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. McRae. Nay: Mr. Hale.

Arkansas—Yea: Messrs. Johnson, Garland, and Watkins. Nay: Mr. Thomason.

Florida—Nay: Mr. Owens.

Georgia—Yea: Mr. Toombs.

Kentucky—Yea: Mr. Johnson. Nay: Mr. Monroe.

Louisiana—Yea: Mr. De Clouet. Nay: Mr. Perkins.

Mississippi—Nay: Messrs. Harris, Orr, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Cooke, Conrow, Vest, and Freeman. Nay: Mr. Harris.

North Carolina—Yea: Messrs. Avery, Venable, Puryear, and Davidson. Nay: Messrs. Davis and Smith.

South Carolina—Nay: Messrs. Rhett, Memminger, and Boyce.

Tennessee—Yea: Messrs. House, De Witt, and Currin. Nay: Mr. Canuthers.

Texas—Yea: Messrs. Waul and Oldham. Nay: Messrs. Hemphill and Ochiltree.

Virginia—Yea: Messrs. Macfarland, Bockock, and Rives. Nay: Messrs. Brockenbrough, Russell, and Johnston.

Yea: Arkansas, Georgia, Missouri, North Carolina, and Tennessee, 5.

Nay: Florida, Mississippi, and South Carolina, 3.

Divided: Alabama, Kentucky, Louisiana, Texas, and Virginia, 5.

The motion did not prevail.

Mr. Waul offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Commissioner who negotiated the treaty with the Indian tribes be invited to be present when the remaining treaties shall be considered by Congress, for the purpose of such explanation as may be desired.

On motion of Mr. Waul, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to determine the number of members the State of Kentucky shall be entitled to have in the House of Representatives of the Con-

gress of the Confederate States, and in relation to the election and returns thereof.

EXECUTIVE DEPARTMENT,

*Richmond, December 21, 1861.*

*Mr. President:* The President has this day approved and signed

Resolutions relating to Maryland; also

An act to determine the number of members the State of Kentucky shall be entitled to have in the House of Representatives of the Congress of the Confederate States, and in relation to the election and returns thereof.

ROBERT JOSSELYN,

*Private Secretary.*

On motion of Mr. Johnson of Arkansas, Congress then took a recess until 7 o'clock p. m.

7 O'CLOCK P. M.

Congress met pursuant to adjournment, and on motion of Mr. Johnson of Arkansas resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Davidson offered the following resolution:

*Resolved,* That when this House adjourns this evening it take a recess until the sixth day of January next.

Mr. Garland moved to postpone the consideration of the same until 12 o'clock m. on Monday, and upon which Mr. Davidson, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae.

Arkansas—Yea: Messrs. Johnson, Thomason, and Garland. Nay: Mr. Watkins.

Kentucky—Yea: Messrs. Monroe and Johnson.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Harrison, and Campbell. Nay: Mr. Orr.

Missouri—Yea: Messrs. Clark, Harris, and Conrow.

North Carolina—Yea: Messrs. Venable and Puryear. Nay: Messrs. Smith and Davidson.

Tennessee—Nay: Messrs. House, De Witt, Currin, and Caruthers.

Texas—Yea: Messrs. Reagan, Hemphill, Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. W. B. Preston, Bocock, and Johnston. Nay: Mr. Russell.

Yea: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Texas, and Virginia, 8.

Nay: Tennessee, 1.

Divided: North Carolina, 1.

Not voting: Florida, Georgia, and South Carolina, 3.

Mr. William Ballard Preston moved to take up for consideration the report of the Committee on Military Affairs relative to the publishing the reports of the various battles.

The motion was agreed to.

And Congress having proceeded to the consideration of the same, So much of the report as refers to the publishing the report of Major-General Polk, of the battle of Belmont, was, on motion of Mr. Perkins, agreed to.

Congress, on motion of Mr. Smith of North Carolina,

Then adjourned until 11 o'clock a. m. on Monday.

## EXECUTIVE SESSION.

The Congress being in executive session,

The Chair laid before Congress a communication from the President of the Confederate States; which is as follows, viz:

RICHMOND, VA., December 21, 1861.

To the Congress of the Confederate States:

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

## ADJUTANT-GENERAL'S DEPARTMENT.

*Captain.*

B. H. Robertson, of Virginia, to take rank March 16, 1861.

## MEDICAL DEPARTMENT.

*Assistant surgeon.*

James C. Herndon, of Virginia, to take rank March 16, 1861.

## CAVALRY.

*Lieutenant-colonel.*

Richard S. Ewell, of Virginia, to take rank March 16, 1861.

*Major.*

John G. Walker, of Missouri, to take rank March 16, 1861.

*Captains.*

W. N. R. Beall, of Arkansas, to take rank March 16, 1861.

George H. Steuart, of Maryland, to take rank March 16, 1861.

John Adams, of Tennessee, to take rank March 16, 1861.

W. D. Smith, of Georgia, to take rank March 16, 1861.

D. H. Maury, of Virginia, to take rank March 16, 1861.

W. H. Jenifer, of Maryland, to take rank March 16, 1861.

George B. Cosby, of Kentucky, to take rank March 16, 1861.

John Mullins, of Mississippi, to take rank March 16, 1861.

Lawrence S. Baker, of North Carolina, to take rank March 16, 1861.

Thomas H. Taylor, of Kentucky, to take rank April 8, 1861.

*First lieutenants.*

Horace Randal, of Texas, to take rank March 16, 1861.

C. W. Phifer, of Mississippi, to take rank March 16, 1861.

R. H. Riddick, of North Carolina, to take rank March 16, 1861.

Frank Mallory, of Virginia, to take rank March 16, 1861.

John S. Marmaduke, of Missouri, to take rank March 16, 1861.

Solomon Williams, of North Carolina, to take rank March 16, 1861.

George A. Cunningham, of Alabama, to take rank March 16, 1861.

B. H. Helm, of Kentucky, to take rank October 19, 1861.

*Second lieutenants.*

M. M. Kimmel, of Missouri, to take rank March 16, 1861.

Robert W. Keyworth, of Texas, to take rank May 18, 1861.

Charles M. Graham, of North Carolina, to take rank May 18, 1861.

John W. Smith, of ———, to take rank July 3, 1861.

Charles H. Causey, of Virginia, to take rank September 11, 1861.

Ed. S. Hutter, of Virginia, to take rank October 9, 1861.

E. B. Shields, of Tennessee, to take rank October 11, 1861.



Sigesmund Zulavsky, of ———, to take rank October 12, 1861.

J. Allen Galt, of Virginia, to take rank October 21, 1861.

B. S. White, of Maryland, to take rank November 16, 1861.

George B. St. Clair, of District of Columbia, to take rank November 18, 1861.

A. G. Haley, of District of Columbia, to take rank November 20, 1861.

T. F. Wilson, of District of Columbia, to take rank November 21, 1861.

G. M. Ryals, of Virginia, to take rank November 22, 1861.

Joseph Phillips, of Virginia, to take rank October 12, 1861.

On motion the same was referred to the Military Committee.

Mr. Johnson of Arkansas, from the Committee on Indian Affairs, to whom was referred the message of the President in reference to treaties with various Indian tribes, reported back to Congress the treaty with the Osage Nation of Indians and the Confederate States of America, recommending that Congress do ratify the same with amendments hereafter reported.

Mr. Johnson of Arkansas moved to amend the thirty-sixth article; which, having been read as follows, viz:

ARTICLE XXXVI. Whenever any person who is a member of the Great or Little Osage tribe shall be indicted for any offense in any court of the Confederate States, or in a State court, he shall be entitled, as of common right, to subpoena, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think material for his defense; and the costs of process for such witnesses, and the service thereof, and fees and mileage of such witnesses shall be paid by the Confederate States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

Mr. Johnson moved to amend Article XXXVI by inserting at the end of the words "or in a State court" the following words: "subject to the laws of the State."

The amendment was agreed to; and

Mr. Johnson of Arkansas offered the following resolution of ratification, viz:

*Resolved (two-thirds of the Congress concurring),* That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, commissioner of the Confederate States to Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Great Osage tribe of Indians, by its chiefs and headmen, who signed the same articles, of the other part; concluded at Park Hill, in the Cherokee Nation, on the second day of October, in the year of our Lord one thousand eight hundred and sixty-one, with the following amendment:

In Article XXXVI, at the end of the words "or in a State court," insert the following words: "subject to the laws of the State."

The question being on the adoption of the resolution of ratification, Two-thirds of the States having voted in the affirmative, the same was adopted.

Mr. Johnson of Arkansas, from the Committee on Indian Affairs, to whom was referred the treaty with the Seneca and Shawnee Nation of Indians, reported back the same, with the recommendation that Congress do ratify the same, with amendments hereafter reported.

The twenty-seventh article of the treaty having been read, as follows, viz:

Whenever any person who is a member of the Seneca or Seneca and Shawnee tribe shall be indicted for any offense in any court of the Confederate States, or in a State court, he shall be entitled, as of common right, to subpoena, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think material for his defense; and the costs of process for such witnesses, and of the service thereof, and fees and mileage for such witnesses shall be paid by the Confederate

States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defense, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

Mr. Johnson of Arkansas offered the following amendment:

At the end of the words "or in a State court" add the following words: "subject to the laws of the State."

The amendment was agreed to.

Mr. Johnson then offered the following resolution of ratification:

*Resolved (two-thirds of Congress concurring),* That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, each tribe for itself, by the chiefs and warriors who signed the same articles, of the other part; concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord one thousand eight hundred and sixty-one, with the following amendment:

In Article XXVII, at the end of the words "or in a State court," add the following words: "subject to the laws of the State."

The question being on the adoption of the resolution,

Two-thirds of the Congress having advised and consented to the same, the resolution was adopted.

On motion, Congress then resumed business in legislative session.

## TWENTY-NINTH DAY—MONDAY, DECEMBER 23, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was called to order (in the absence of the President pro tempore) by Mr. Venable, who moved that Mr. Campbell be called to the chair.

The motion was agreed to.

And Mr. Campbell having taken the chair, the Journal was read and Congress resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Monroe offered

A resolution in relation to the judicial courts and the administration of the laws of the Confederacy in Kentucky;

which was read and agreed to.

Mr. Harris, from the Committee on the Judiciary, reported

A bill to equalize the salary of the Assistant Attorney-General with the salaries of the assistant secretaries;

which was read first and second times and referred to the Committee on Finance.

Also, a bill to authorize the Secretary of War to audit and settle the claims of certain officers therein named; which was read first and second times and referred to the Committee on Finance.

Mr. Vest introduced

A bill to exempt the loyal citizens of Missouri and Kentucky from the payment of taxes during the war;

which was read first and second times and referred to the Committee on Finance.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act in relation to taxes on property which has been, or which is liable to be, sequestered as the property of alien enemies.

Mr. Harris, from the Committee on the Judiciary, to whom was referred a resolution of inquiry in relation to the bills passed at the last session and vetoed by the President, etc., made the following report; which was read and laid on the table, to wit:

The Judiciary Committee, to whom was referred the resolution of Congress instructing them to inquire into and report to Congress the condition of the bills passed by Congress and vetoed by the President at the close of its last session, and what action it becomes Congress to take in relation thereto for the fulfillment of its constitutional duties, report, that it does not appear from the journals of Congress that any veto was communicated at its last session and not acted on in the manner prescribed by the Constitution.

As a matter of fact, independent of the journals, it appears that certain [bills] passed between the 25th and 31st of August and presented to the President in that interval, were not signed by him but retained.

The termination of the session at which these bills were passed, by adjournment on the 31st of August and consequently, before the expiration of the ten days allowed by the Constitution for signing bills, prevented them from becoming laws.

The result was that the adjournment defeated the bills, and nothing remains for the fulfillment of the constitutional duties of Congress respecting them.

It appears also that the President, being quite ill at the time and unable to communicate in writing to Congress, requested the Attorney-General to explain to Congress verbally "the reason for retaining the bills". His verbal message was delivered, but of course was not noticed on the Journals.

In that explanation the Attorney-General stated that the President did not approve the bills retained by him, but was unable from illness to prepare messages communicating his reasons.

Mr. Harris, from the same committee, reported back and recommended the passage of

A bill to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America; which was engrossed, read third time, and passed.

Also, a bill to repeal an act entitled "An act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida;" which was read first and second times, engrossed, read third time, and passed.

Also, a bill to amend an act to amend an act to establish the judicial courts of [the Confederate States of] America; which was read first and second times and, on motion, placed on the Calendar.

Also, a bill concerning the pay and allowances due deceased soldiers; which was read first and second times and, on motion, placed on the Calendar.

Mr. McRae introduced the following resolution; which was read and referred to the Committee on the Judiciary, to wit:

*Resolved*, That J. A. P. Campbell, President of Congress pro tempore, be empowered to sign all bills, resolutions, pay bills, and certificates passed and usually allowed by the Congress.

Mr. Johnston of Virginia offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Finance inquire into the expediency of exempting from the payment of taxes to the Confederate States certain parts of the State of Virginia now in the occupation of the public enemy, during such occupancy or during the war.



Mr. McDowell moved to take up for consideration the resolution of Mr. Davidson relative to the adjournment of the Congress.

The motion did not prevail.

Mr. Perkins moved that Congress proceed to the consideration of the report of the Committee on Military Affairs relative to the publishing of the reports of the various battles, and upon which Mr. Harrison, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Mr. McRae.

Arkansas—Nay: Messrs. Thomason, Garland, and Watkins.

Kentucky—Nay: Messrs. Monroe and Johnson.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Orr, Bradford, and Campbell.  
Nay: Mr. Harrison.

Missouri—Nay: Messrs. Cooke, Vest, and Freeman.

North Carolina—Nay: Messrs. Smith, Venable, and Puryear.

Tennessee—Yea: Mr. De Witt.

Texas—Nay: Messrs. Reagan, Hemphill, Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Tyler, Boccock, and Johnston. Nay: Mr. Boteler.

Yea: Louisiana, Mississippi, Tennessee, and Virginia, 4.

Nay: Alabama, Arkansas, Kentucky, Missouri, North Carolina, and Texas, 6.

Not voting: Florida, Georgia, and South Carolina, 3.

The motion did not prevail.

The Congress then proceeded to the consideration of the oldest special order on the Calendar; which was

A bill to regulate the mode of filling vacancies of field officers in certain volunteer regiments and battalions.

Mr. Waul offered as a substitute for the same the following, to wit:

That vacancies in all regiments and battalions to which the President originally appointed field officers under existing laws shall be filled in the manner prescribed by law in the several States to which they respectively belong.

On motion of Mr. Orr, the further consideration of the bill and substitute was postponed until the 10th day of January next.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

The Chair presented a message from the President, transmitting certain estimates of the Secretary of the Treasury; which were read and referred to the Committee on Indian Affairs.

Mr. Boyce, from the Committee on Postal Affairs, reported and recommended the passage of

A bill to amend an act to require the receipt by postmasters of the Confederate States of Treasury notes, in sums of five dollars and upwards, in payment of postage stamps and stamped envelopes, approved August 30, 1861; which was read first and second times, engrossed, read third time, and passed.

Mr. Brockenbrough, from the Committee on the Judiciary, reported back and recommended the passage of



A bill to amend an act to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted, or destroyed by them; which was, on motion, placed on the Calendar.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution to authorize the Secretary of the Navy to purchase and alter steamboats into gunboats for the defense of the Cumberland and Tennessee rivers.

Mr. Broekenbrough, from the Committee on the Judiciary, reported back and recommended the passage of

A bill regulating the fees of clerks, and for other purposes; which was, on motion, placed on the Calendar.

Also, a bill to amend the laws relating to the compensation of the attorneys of the Confederate States; which was, on motion, placed on the Calendar.

Also, a bill to regulate the compensation to be allowed to commissioners of the courts of the Confederate States; which, on motion, was placed on the Calendar.

Also, a bill regulating the fees of marshals, and for other purposes; which was, on motion, placed on the Calendar.

Mr. Conrad, from the Committee on Naval Affairs, to whom was referred a resolution of inquiry as to what provision should be made for resigned officers of the Coast Survey, reported the same back, and that, in the opinion of the committee, no rank could be assigned to them, as they held no commissions, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Conrad, from the same committee, to whom was referred

A bill to dispense with quartermasters of the Marine Corps, reported the same back, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Conrad, from the same committee, to whom was referred the petition of Lieut. B. W. Hunter, reported as follows:

The Committee on Naval Affairs, to whom was referred the petition of B. W. Hunter, beg leave respectfully to report:

"That the petitioner represents that he is a citizen of the State of Virginia, and was a lieutenant in the Navy of the United States on the 'reserved list' and resigned his commission when his State withdrew from the Union; that his property, consisting of a large farm and a number of negroes, has been taken possession of by the enemy, his crops seized, his dwelling burnt, and that he finds himself with very inadequate means of support for his family; that he wishes to be appointed in the Confederate States Navy, but that he is informed by the Secretary of the Navy 'that he has no power to appoint officers of the Navy on the reserved list.' He prays that the law be so amended that the President be authorized to appoint officers who were on the 'reserved list' of the United States Navy, 'and who are now capable and worthy,' who would have held a higher grade had they not been retired, to such grade and position as they would have occupied had they not been placed on the 'reserved list.'

"The committee are of opinion that by the law as it now stands the President is authorized to appoint all officers of the Navy of the United States who resigned on account of the secession of these States, to the same grade in the Confederate Navy as that which they resigned, provided he considers them fit for *active duties*. The circumstance of an officer having been placed on the 'reserved list' does not disqualify him for such appointment.

"The committee are of opinion that it is not advisable to give any greater privileges to this class of officers, however meritorious they may be, and beg leave to be discharged from the further consideration of the petition."

The report of the committee was received and agreed to.

Mr. Conrad, from the same committee, reported and recommended the passage of

A bill to authorize the President to cause to be constructed a certain number of gunboats; which was read first and second times, engrossed, read third time, and passed.

Also, a bill to authorize the appointment of additional officers of the Navy; which was read first and second times, engrossed, read third time, and passed.

On motion of Mr. Conrad, Congress then proceeded to the consideration of the motion of Mr. Kenan to reconsider the vote by which the bill authorizing the Secretary of the Navy to appoint two additional clerks and a draftsman for the Navy Department, was passed.

The motion to reconsider did not prevail.

On motion of Mr. Conrad, Congress then proceeded to the consideration of a bill on the Calendar, to authorize the President to confer temporary rank and command on officers of the Navy doing duty with troops.

And the bill was engrossed, read third time, and passed.

And also, a bill on the Calendar to provide for certain officers of the Revenue Service;

which was taken up, engrossed, read third time, and passed.

Also, a bill to provide for the appointment of chaplains in the Navy; which was taken up, engrossed, read third time, and passed.

Also, a bill to authorize the transfer of a certain appropriation; which was taken up, engrossed, read a third time, and passed.

On motion of Mr. McKee, from the Committee on Finance, Congress proceeded to the consideration of a bill on the Calendar, supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption; which was engrossed, read a third time, and passed.

Also, a bill making appropriations for the expenses of the Government in the legislative, executive, and judicial departments for the year ending 18th of February, 1861 [1862]; which was engrossed, read third time, and passed.

Also, a bill making appropriations for the construction of 100 gunboats for the coast defense of the Confederate States; which was read first and second times, engrossed, read third time, and passed.

Also, a bill making appropriations for the purchase and alteration of steamers into gunboats for the defense of the Cumberland and Tennessee rivers; which was read first and second times, engrossed, read third time, and passed.

EXECUTIVE DEPARTMENT,

Richmond, December 23, 1861.

*Mr. President:* The President has this day approved and signed

An act in relation to taxes on property which has been, or which is liable to be, sequestered as the property of alien enemies; also

A resolution to authorize the Secretary of the Navy to purchase and alter steamboats into gunboats for the defense of the Cumberland and Tennessee rivers.

ROBERT JOSSELYN,

*Private Secretary.*

Mr. McRae, from the Committee on Finance, also introduced

A bill making appropriations to comply in part with treaty stipulations made with certain Indian tribes; which was read first and second times;

When,

Mr. Johnson of Arkansas moved to amend as follows, to wit:<sup>a</sup>

The Chair presented certain estimates of the Secretary of the Treasury; which were read and laid on table.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act to require the receipt by the postmasters of the Confederate States of Treasury notes, in sums of five dollars and upwards, in payment of postage stamps and stamped envelopes, approved August 30, 1861.

Mr. Johnson of Arkansas moved to reconsider the vote by which the Congress postponed the further consideration of a bill to provide for the filling the vacancies in the field officers of regiments and battalions until 10th January, next, and upon which he, at the instance of State of Arkansas, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Kentucky—Yea: Mr. Monroe.

Louisiana—Nay: Messrs. Perkins and Conrad.

Mississippi—Yea: Messrs. Harris and Campbell. Nay: Messrs. Orr, Bradford, and Harrison.

Missouri—Yea: Messrs. Conrow and Vest. Nay: Messrs. Clark and Freeman.

North Carolina—Yea: Messrs. Venable and Puryear.

South Carolina—Yea: Mr. Memminger. Nay: Mr. Boyce.

Tennessee—Yea: Mr. House. Nay: Mr. De Witt.

Texas—Yea: Messrs. Reagan and Hemphill. Nay: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Mr. Boteler. Nay: Messrs. Bocoock, Brockenbrough, Russell, and Johnston.

Yea: Alabama, Arkansas, Kentucky, and North Carolina, 4.

Nay: Louisiana, Mississippi, Texas, and Virginia, 4.

Divided: Missouri, South Carolina, and Tennessee, 3.

Not voting: Florida and Georgia, 2.

The motion did not prevail.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Conrad offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That when Congress shall adjourn to-day, it adjourn to meet again to-morrow at twelve m.

On motion of Mr. Waul,

Congress then adjourned until 12 o'clock to-morrow.

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<sup>a</sup> Amendment not recorded in the Journal.



## EXECUTIVE SESSION.

Congress being in executive session,  
The Chair laid before Congress the following communication from  
the President:

RICHMOND, VA., December 21, 1861.

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFF'N DAVIS.

*Chaplains.*

R. K. Porter, of Georgia; J. C. Hiden, of Virginia; William M. Young, of Virginia; W. G. H. Jones, of Virginia; John Paris, of Virginia; J. B. Avirett, of Virginia; John S. Cosby, of Virginia; W. A. Crocker, of Virginia; Sheldon H. Rose, of Mississippi; S. F. Cameron, of Maryland; R. F. Mattison, of Arkansas; Richard Johnson, of South Carolina; F. A. Kimbell, of Alabama; D. S. Snodgrass, of Mississippi; J. W. Timberlake, of Tennessee; G. B. Overton, of Kentucky; William Davis, of Florida; E. Smulders, of Louisiana; William M. Crumley, of Georgia; J. B. Dunwoody, of Georgia; Peter Tinsley, of Virginia; George F. Bagby, of Virginia; J. J. Engle, of Virginia; George F. Adams, of ———; M. L. Whitten, of Alabama; W. B. Owen, of Mississippi; P. G. Roberts, of Louisiana; A. B. Carrington, of Virginia; Joseph Cross, of Tennessee; J. C. Granbery, of Virginia; T. H. Jordan, of Georgia; W. A. Simmons, of Georgia; Thomas Hume, jr., of Virginia; M. Oldham, of Virginia; W. Bowman, of Virginia; J. J. McMahon, of Virginia; J. C. McCabe, of Virginia; C. T. Quintard, of Tennessee; L. Hypolite Gache, of Louisiana; W. L. Kenedy, of Alabama; J. Carmichael, of Virginia; J. T. Wallace, of Virginia; H. J. McKennon, of Alabama; C. P. Sisson, of Alabama; R. R. Roberts, of Arkansas; Fredk. Fitzgerald, of North Carolina; Thos. D. Witherspoon, of Mississippi; Dabney Ball, of Virginia; Richard McIlwaine, of Virginia; E. J. Willis, of Virginia; J. M. Grandin, of Virginia; Moses Hoge, of Virginia; Richard H. Phillips, of Virginia; J. Prachensky, of Louisiana; James H. Richie, of Tennessee; J. A. Harrold, of Virginia; J. G. Landrum, of North Carolina; R. Anderson New, of Louisiana; George R. Edwards, of Georgia; Penfield Doll, of Georgia; George G. Smith, of Georgia; W. C. Power, of North Carolina; W. C. Gray, of Tennessee; J. T. West, of Georgia; W. P. Ratcliffe, of Arkansas; Joseph W. Ard, of Mississippi; Isaac T. Tichenor, of Mississippi; E. Hogue, of Arkansas; J. Brown, of Alabama; P. F. August, of Virginia; Robert J. Taylor, of Virginia; George T. Wilmer, of Virginia; O. J. Brent, of North Carolina; J. J. Millsapps, of Mississippi; F. White, of Louisiana; P. Sheeren, of Louisiana; George W. Pratt, of Florida; Lewis Downing, of Arkansas; James O. A. Sparks, of Georgia; George J. Mortimer, of Mississippi; J. H. Cason, of Mississippi; John W. De Vilbess, of Texas; C. B. Betts, of Virginia; W. W. Berry, of South Carolina; W. E. Jones, of Georgia; A. D. Betts, of North Carolina; Michael H. Galloway, of Tennessee; B. M. Stephens, of Tennessee; J. W. Flowers, of Mississippi; George W. Yarbrough, of Georgia; C. F. McRae, of North Carolina; Robert B. Lester, of Georgia; J. H. Weaver, of Georgia; M. B. Roach, of Alabama; George W. Stickney, of Louisiana; J. P. Moore, of North Carolina; A. M. Hamilton, of Alabama; J. A. Godfrey, of Louisiana; William Hicks, of North Carolina; T. J. McVeigh, of Virginia; R. R. Overby, of North Carolina; John A. Reynolds, of Georgia; John W. Griffin, of Virginia; H. R. McCallaine, of South Carolina; T. H. Capers, of Alabama; Sam. H. Mullan, of Virginia; J. L. Johnson, of Virginia; J. William Jones, of Virginia; J. E. Joyner, of Virginia; R. N. Price, of North Carolina; George H. Ray, of Virginia; W. Stoddert, of Virginia; J. P. Hyde, of Virginia; Jacob Brillhart, of Virginia; W. E. Wyatt, of Virginia; M. L. Weller, of Mississippi; George H. Patillo, of Georgia; L. C. Ransom, of Alabama; John M. Hendry, of Florida; E. P. Walton, of Kentucky; David Kerr, of North Carolina; N. J. Taylor, of Mississippi; George T. Wilmer, of Virginia; C. F. Linchicum, of Virginia; Thomas M. Ambler, of Virginia; J. J. Ungerer, of Missouri; S. M. Cherry, of Tennessee; William H. Anthony, of Tennessee; Thomas L. Duke, of Mississippi; J. P. Richardson, of Mississippi; A. L. Potter, of Mississippi; J. F. N. Huddleston, of Mississippi; J. T. Borah, of Mississippi; J. A. Williams, of Arkansas; James Mackay, of Arkansas; H. V. Brown, of Tennessee; Paul M. Morton, of Virginia; E. McNair, of Alabama; James M. Campbell, of Alabama; J. M. Jennings, of Alabama; W. D. Chadick, of Alabama; J. D. Barbee, of Alabama; J. R. Farish, of Mississippi; Jefferson Meek, of Mississippi; Francis Point, of Mississippi; N. Aldrich, of South Carolina; S. Chaddick, of Texas; John Sandels, of Arkansas; Robert E. Terry, of North Carolina; Robert Nelson, of Virginia; J. H. Washburn,



of North Carolina; J. H. De Votie, of Georgia; William Flinn, of Georgia; L. M. Carter, of Georgia; D. Hubert, of Louisiana; B. S. Dunn, of Louisiana; R. W. Trimble, of Arkansas; N. A. Davis, of Texas; J. D. Porter, of Alabama; Patrick Coyle, of Florida; John Feeling, of Virginia; William Minter, of Mississippi; T. W. Caskie, of Mississippi; E. J. Maynardie, of South Carolina; James A. Proctor, of North Carolina; J. Wheeler, of Georgia.

The communication was referred to the Committee on Military Affairs.

The Chair laid before Congress another communication from the President; which is as follows, to wit:

RICHMOND, VA., *December 23, 1861.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

*Brigadier-generals.*

Edward Johnson, of Kentucky, to take rank December 13, 1861.

R. E. Colston, of Virginia, to take rank from confirmation.

The communication was referred to the Committee on Military Affairs.

Mr. McRae, from the Committee on Finance, to which was referred the message of the President nominating tax collectors, reported the same back, with the recommendation that they be confirmed.

The nominations were confirmed.

Mr. Conrad, from the Committee on Naval Affairs, to which was referred the message of the President nominating certain naval officers, reported back the same, with the recommendation that Congress advise and consent to said nominations; and

They were severally confirmed for the offices to which they were nominated respectively.

Mr. Harris of Mississippi moved to take up the nominations of major-generals; which motion prevailed.

Mr. Johnson of Arkansas moved that the consideration of the nominations of major-generals be postponed; which was not agreed to.

Mr. Johnson of Arkansas, from Committee on Indian Affairs, to which had been referred several Indian treaties, reported a treaty with the Seminole Nation of Indians.

The thirtieth article having been read, as follows, viz:

ARTICLE XXX. Persons belonging to the Seminole Nation shall hereafter be competent witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

Mr. Johnson moved to amend said article as follows, viz:

Add at the end of Article XXX the following words: "And the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their respective courts."

The amendment was agreed to.

The thirty-seventh article having been read, as follows, viz:

ARTICLE XXXVII. In order to enable the Creek and Seminole nations to claim their rights and secure their interests without the intervention of counsel or agents, and as they were originally one and the same people and are now entitled to reside in the country of each other, they shall be jointly entitled to a Delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member of one of said nations, over twenty-one years of age, and laboring under no legal disability by the law of either nation; and each Delegate

shall be entitled to the same rights and privileges as may be enjoyed by the Delegates from any Territory of the Confederate States to the said House of Representatives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for Delegate shall be held at such time and places, and be conducted in such manner as shall be prescribed by the agent of the Confederate States for the Creeks, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the times, places, and manner of holding them, and ascertaining and certifying the result, shall be prescribed by law of the Confederate States.

Mr. Johnson of Arkansas moved to strike out from Article XXXVII the following words:

the same rights and privileges as may be enjoyed by the Delegates from any Territory of the Confederate States to the said House of Representatives,

and insert in lieu thereof the following words:

a seat in the Hall of the House of Representatives to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives.

The amendment was agreed to.

Mr. Johnson of Arkansas moved to strike out from the thirty-eighth article the following words: "or in a State court" and insert in lieu thereof the following words: "or in a State court, subject to the laws of the State."

The amendment was agreed to.

Mr. Johnson offered the following resolution of ratification, and the same was unanimously adopted:

*Resolved (two-thirds of Congress concurring),* That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and by the Seminole Nation of Indians, by its chiefs, headmen, and warriors, in general council assembled, of the other part; concluded at the Seminole Council House, in the Seminole Nation, on the first day of August, in the year of our Lord one thousand eight hundred and sixty-one, with the following amendments, viz:

I. Add at the end of Article XXX the following words: "And the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their respective courts."

II. Strike out from Article XXXVII the following words: "the same rights and privileges as may be enjoyed by the Delegates from any Territory of the Confederate States to the said House of Representatives" and insert in lieu thereof the following words: "a seat in the Hall of the House of Representatives to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

III. Strike out from Article XXXVIII the following words: "or in a State court" and insert in lieu thereof the following words: "or in a State court, subject to the laws of the State."

*Resolved further (two-thirds of the Congress concurring),* That the Congress do also advise and consent to the ratification of the convention supplementary to the aforesaid treaty with the Seminoles, made by the same parties of each part, and concluded at the same time and place with the same.

Mr. Johnson of Arkansas also reported a treaty of friendship and alliance with the Cherokee Nation of Indians.

The thirty-fifth article having been read as follows, viz:

ARTICLE XXXV. All persons who are members of the Cherokee Nation shall hereafter be competent as witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

Mr. Johnson moved to amend by adding at the end of said article the following words:

And the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their respective courts;

which was agreed to.

Strike out from Article XLIV the following words:

the same rights and privileges as may be enjoyed by the Delegates from any Territory of the Confederate States to the said House of Representatives,

and insert in lieu thereof the following words:

a seat in the Hall of the House of Representatives to propose and introduce measures for the benefit of said nation, and to be heard in regard thereto, and on other questions in which the nation is particularly interested, with such other rights and privileges as may be determined by the House of Representatives.

Also, strike out from Article XXXIII the following words: "or of a State" and insert in lieu thereof the following words: "or of a State, subject to the laws of the State;" which were severally considered and agreed to.

Mr. Johnson offered the following resolution of ratification; which was unanimously adopted:

*Resolved (two-thirds of the Congress concurring),* That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Cherokee Nation of Indians, by its principal and assistant principal chiefs, executive councilors and commissioners, for that purpose only, authorized and empowered, of the other part; concluded at Tahlequah, in the Cherokee Nation, on the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-one.

On motion of Mr. Johnson,

Congress resolved itself into legislative session.

## THIRTIETH DAY—TUESDAY, DECEMBER 24, 1861.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Johnson of Arkansas introduced the following resolution: which was read and agreed to, to wit:

*Resolved,* That the President be authorized to appoint on committees the members from the States admitted since the formation of the committees. Such appointments may be made from time to time, as the President may deem proper and convenient.

Mr. Conrad presented the memorial of Joseph Kaiser; which was referred to the Committee on Claims, without being read.

Mr. Boyce, from the Committee on Postal Affairs, reported in favor of printing the report of the Postmaster-General.

The report was received and agreed to.

Mr. Hale, from the Committee on Military Affairs, to whom was

referred certain joint resolutions of the legislature of the State of Alabama, reported the same back, asked to be discharged from their further consideration, and that the resolutions lie on the table; which was agreed to.

On motion of Mr. Brockenbrough, certain bills reported by him from the Judiciary Committee were ordered to be printed for the use of the Congress.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations for the purchase and alteration of steamers into gunboats for the defense of Cumberland and Tennessee rivers;

An act to authorize the President to confer temporary rank and command on officers of the Navy doing duty with troops;

An act to amend an act entitled "An act to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America:"

An act to repeal an act entitled "An act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida;"

An act making appropriations for the construction of 100 gunboats for the coast defense of the Confederate States;

An act to provide for the appointment of chaplains in the Navy;

An act to authorize the transfer of a certain appropriation;

An act to authorize the President to cause to be constructed a certain number of gunboats;

An act to authorize the appointment of additional officers of the Navy; and

An act making appropriations for the expenses of Government in the legislative, executive, and judicial departments for year ending 18th of February, 1862.

Mr. Campbell, from the Committee on Territories, to whom was recommitted the bill to organize the Territory of Arizona, and to create the office of surveyor-general therein, reported the same back, and the first section of the same being under consideration; which is as follows, to wit:

*Be it enacted by the Congress of the Confederate States of America, That all that part of the present Territory of New Mexico included within the following limits, to wit: Beginning on the Colorado River at the parallel of north latitude thirty-four degrees, thence with said parallel to the eastern boundary of New Mexico; thence south with said boundary until it intersects the line of Texas; and thence with said line to the Rio Grande, and so on to the line of Mexico, on said river, as fixed by the treaty of eighteen hundred and fifty-four; thence with the boundary line established by said treaty between the late United States and Mexico to the Colorado River, thence up the Colorado to the place of beginning, be, and the same is hereby, created into a temporary government, by the name of the Territory of Arizona; and nothing in this act shall be so construed as to inhibit the Government of the Confederate States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the Confederate States: *Provided*, That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union of the Confederate States with a constitution providing for the full, adequate, and perpetual maintenance and protection of slavery therein; and that, in the meantime, the institution of slavery in said Territory shall receive all necessary protection, both from the Territorial legislature and the Congress of the Confederate States: *Provided also*, That nothing in this act contained shall be construed to impair the rights of persons or property now pertaining to the Pimos and Maricopas Indians on the Gila River.*



Mr. Campbell, from the Committee on Territories, moved to amend the same as follows, to wit:

Strike out of first section in third line, after the word "latitude," all down to and including the word "beginning," in the ninth line of said section, and insert in lieu thereof the following, to wit: "thirty-six degrees and thirty minutes; thence with said parallel to the eastern boundary of New Mexico; thence south with said boundary until it intersects the line of Texas; thence with said line to the Rio Grande and so on to the line of Mexico, on said river, as fixed by the treaty of eighteen hundred and fifty-four between the United States and Mexico; thence with the boundary line established by said treaty to the Colorado River, and thence up the Colorado and to the place of beginning.

The amendment was not agreed to.

Mr. Johnson of Arkansas moved to amend by adding the following words, to wit:

or the right or claim of the Confederate States to the remainder of the Territory of New Mexico.

Mr. Russell moved to amend the amendment by adding thereto the following words, to wit: .

or to any other territory north of the line of thirty-four degrees north latitude.

The amendment to the amendment was agreed to.

And the amendment as amended was adopted, and the section as amended reads as follows, to wit:

*Be it enacted by the Congress of the Confederate States of America,* That all that part of the present Territory of New Mexico included within the following limits, to wit: Beginning on the Colorado River at the parallel of north latitude thirty-four degrees, thence with said parallel to the eastern boundary of New Mexico; thence south with said boundary until it intersects the line of Texas; and thence with said line to the Rio Grande, and so on to the line of Mexico, on said river, as fixed by the treaty of eighteen hundred and fifty-four; thence with the boundary line established by said treaty between the late United States and Mexico to the Colorado River, thence up the Colorado to the place of beginning, be, and the same is hereby, created into a temporary government, by the name of the Territory of Arizona; and nothing in this act shall be so construed as to inhibit the Government of the Confederate States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the Confederate States: *Provided,* That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union of the Confederate States with a constitution providing for the full, adequate, and perpetual maintenance and protection of slavery therein; and that, in the meantime, the institution of slavery in said Territory shall receive all necessary protection, both from the Territorial legislature and the Congress of the Confederate States: *Provided also,* That nothing in this act contained shall be construed to impair the rights of persons or property now pertaining to the Pimos and Maricopas Indians on the Gila River; or the right or claim of the Confederate States to the remainder of the Territory of New Mexico, or to any other territory north of the line of thirty-four degrees north latitude.

EXECUTIVE DEPARTMENT,  
Richmond, December 24, 1861.

*Mr. President:* The President on yesterday approved and signed

An act to amend an act to require the receipt by the postmasters of the Confederate States of Treasury notes, in sums of five dollars and upwards, in payment of postage stamps and stamped envelopes, approved August 30, 1861.

ROBERT JOSSELYN,  
*Private Secretary.*

The seventh section of the bill being under consideration; which is as follows, to wit:

SEC. 7. *And be it further enacted,* That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the Confederate States and the provisions of this act; but no law shall be passed inter-

fering with the primary disposal of the soil; no tax shall be imposed upon the property of the Confederate States; nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents. Every bill which shall have passed the council and house of representatives of the said Territory shall, before it become a law, be presented to the governor of the Territory; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment, prevent its return, in which case it shall not be a law: *Provided always*, That the governor shall not exercise the veto in cases hereinafter expressly reserved or denied by this act.

Mr. De Witt moved to amend the same by adding at the end thereof the following words, to wit:

*Provided further*, That the Congress of the Confederate States may at any time change, modify, or annul any law that may be passed by the legislative assembly, but no change or annulling of the same shall affect or disturb any right acquired previous to the making of such change or alteration: *And provided further*, That said Congress may at any time, during the existence of said Territorial government, originate and pass for the people of said Territory any law which Congress may deem expedient or necessary and proper.

The amendment was agreed to, and the section as amended reads as follows, to wit:

SEC. 7. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the Confederate States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the Confederate States; nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents. Every bill which shall have passed the council and house of representatives of the said Territory shall, before it become a law, be presented to the governor of the Territory; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment, prevent its return, in which case it shall not be a law: *Provided always*, That the governor shall not exercise the veto in cases hereinafter expressly reserved or denied by this act: *Provided further*, That the Congress of the Confederate States may at any time change, modify, or annul any law that may be passed by the legislative assembly, but no change or annulling of the same shall affect or disturb any right acquired previous to the making of such change or alteration: *And provided further*, That said Congress may at any time, during the existence of said Territorial government, originate and pass for the people of said Territory any law which Congress may deem expedient or necessary and proper.

And section 10 being under consideration; which is as follows, to wit:

SEC. 10. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually. They shall appoint a clerk, who shall hold his office during their pleasure, and who shall receive a salary of \_\_\_\_\_ dollars per annum, payable quarter annually; and they shall hold their offices during the period

of six years, and until their successors are duly appointed and qualified; but neither of them shall be eligible to reappointment to the same office in said Territory. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such times and place as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and justices of the peace, shall be as limited by law. *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy, when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall hold his office at the pleasure of the court for which he shall have been appointed, and who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. Writs of error and appeals from the final decision of said supreme court shall be allowed, and may be taken to the Supreme Court of the Confederate States, in the same manner and under the same regulations as from district courts of the Confederate States, when the value of the property or the amount in controversy to be ascertained by the oath or affirmation of either party or other competent witness, shall exceed one thousand dollars; except only that in all cases involving title to slaves the said writs of error or appeals shall be allowed and decided by the said supreme court without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeal shall also be allowed to the Supreme Court of the Confederate States from the decision of said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the Confederate States as is vested in the circuit and district courts of the Confederate States; and the said supreme and district courts of said Territory and the respective judges thereof shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the Supreme Court of the Confederate States; and the first six days of every term of said courts shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory the same as in other cases. The said clerk shall receive in all cases the same fees which the clerks of the district courts of the present Territory of New Mexico receive for similar services until otherwise prescribed by law. The proceedings in all courts in said Territory shall be conducted in the English language. All probate judges in the said Territory shall be appointed by the governor, and all justices of the peace therein shall be appointed by the justices of the supreme court.

Mr. De Witt moved to amend by inserting after the word "free dom" the following words, to wit:

*Provided further*, That nothing herein contained shall be construed to apply to or affect any law which may be passed by the Congress of the Confederate States of America, in pursuance of the third item in the second section of Article IV of the permanent Constitution of the Confederate States, respecting fugitive slaves or other persons escaping from the service of their masters.

And upon which he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Mr. Hale.

Arkansas—Nay: Messrs. Thomason, Garland, and Watkins.

Mississippi—Nay: Messrs. Bradford, Harrison, and Campbell.

Missouri—Nay: Messrs. Clark, Conrow, Vest, and Freeman.

North Carolina—Nay: Messrs. Venable and Puryear.

South Carolina—Nay: Mr. Boyce.

Tennessee—Yea: Mr. De Witt.

Texas—Yea: Mr. Waul. Nay: Messrs. Reagan, Hemphill, Oldham, and Ochiltree.



Virginia—Yea: Mr. Rives. Nay: Messrs. Macfarland and Brockenbrough.

Yea: Alabama and Tennessee, 2.

Nay: Arkansas, Mississippi, Missouri, North Carolina, South Carolina, Texas, and Virginia, 7.

Not voting: Florida, Georgia, Kentucky, and Louisiana, 4.

So the amendment was not agreed to.

Mr. Campbell moved to amend by striking out the following words, to wit: "a salary of        dollars per annum, payable quarter annually" and inserting in lieu thereof the words "such fees in all cases in said court as the clerk of the supreme court of the Territory of New Mexico is now entitled to by law."

The amendment was agreed to.

And section 11 being under consideration; which is as follows, to wit:

SEC. 11. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for six years, unless sooner removed by the President, who shall receive an annual salary of        dollars, payable quarter annually, and the same fees as the attorney-general of the present Territory of New Mexico. There shall also be a marshal for the Territory appointed, who shall hold his office for six years, unless sooner removed by the President, who shall execute all processes issuing from the said courts when exercising their jurisdiction as district and circuit courts of the Confederate States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees as the marshal for the present Territory of New Mexico, and shall, in addition, be paid        dollars annually as a compensation for extra services.

Mr. Waul moved to fill the first blank with the words "five hundred."

The amendment was agreed to.

And Mr. Campbell moved to fill the second blank with the words "two hundred."

The amendment was agreed to.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption; and

An act to provide for certain officers of the Revenue Service.

And section 12 being under consideration; which is as follows, to wit:

SEC. 12. *And be it further enacted*, That the governor, secretary, chief justice and associate justices, attorney, and marshal shall be nominated, and by and with the advice and consent of Congress, appointed by the President of the Confederate States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before a district judge or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations of the laws now in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the Confederate States, to support the Constitution of the Confederate States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person to whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded in such manner and forms as may be prescribed by law. The governor shall receive an annual salary of        dollars as governor, and        dollars as Commissioner of Indian Affairs. The Chief Justice and associate justices shall each receive an annual salary of        dollars. All salaries shall be paid quarter yearly at the Treasury of the Confederate States. The members of the legislative assembly shall be entitled to



receive five dollars each per day during their attendance at the sessions thereof, and five dollars each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated annually the sum of        dollars, to be expended by the governor, to defray the contingent expenses of the Territory; there shall also be appropriated annually a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the Confederate States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the Confederate States for the manner in which the aforesaid sum shall have been expended.

Mr. Campbell moved to fill the first blank with the words "fifteen hundred."

Mr. Monroe moved to amend by filling the blank with the words "two thousand."

Upon which Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Mr. McRae. Nay: Mr. Hale.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Kentucky—Yea: Messrs. Monroe and Johnson.

Louisiana—Yea: Messrs. Perkins and Conrad.

Mississippi—Yea: Mr. Bradford. Nay: Messrs. Harrison and Campbell.

Missouri—Yea: Mr. Freeman. Nay: Messrs. Clark, Conrow, and Vest.

North Carolina—Yea: Messrs. Venable and Puryear.

South Carolina—Yea: Messrs. Memminger and Boyce.

Tennessee—Yea: Messrs. House and De Witt.

Texas—Yea: Messrs. Hemphill and Ochiltree. Nay: Messrs. Reagan, Waul, and Oldham.

Virginia—Yea: Messrs. Macfarland, Rives, Brockenbrough, and Johnston. Nay: Mr. Bocoek.

Yea: Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia, 6.

Nay: Arkansas, Mississippi, Missouri, and Texas, 4.

Divided: Alabama, 1.

Not voting: Florida and Georgia, 2.

So the amendment was agreed to.

Mr. Thomason moved to fill the second blank with the words "five hundred."

Mr. Ochiltree moved to amend by filling the same with the words "one thousand."

Upon which Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. McRae. Nay: Mr. Hale.

Arkansas—Yea: Messrs. Johnson, Garland, and Watkins. Nay: Mr. Thomason.

Kentucky—Yea: Messrs. Monroe and Johnson.

Louisiana—Yea: Messrs. Perkins and Conrad.

Mississippi—Yea: Messrs. Bradford and Harrison. Nay: Messrs. Harris and Campbell.

Missouri—Yea: Messrs. Vest and Freeman. Nay: Messrs. Clark and Conrow.

North Carolina—Nay: Messrs. Venable and Puryear.

South Carolina—Yea: Messrs. Memminger and Boyce.

Tennessee—Yea: Messrs. House and De Witt.

Texas—Yea: Messrs. Hemphill, Waul, Oldham, and Ochiltree.  
Nay: Mr. Reagan.

Virginia—Yea: Messrs. Macfarland, Rives, Brockenbrough, Russell, and Johnston. Nay: Mr. Bocoek.

Yea: Arkansas, Kentucky, Louisiana, South Carolina, Tennessee, Texas, and Virginia. 7.

Nay: North Carolina. 1.

Divided: Alabama, Mississippi, and Missouri. 3.

Not voting: Florida and Georgia. 2.

Mr. Johnson of Arkansas moved to reconsider the vote by which the Congress agreed to fill the first blank with the words "two thousand."

Upon which motion, Mr. De Witt, at the instance of the State of Tennessee, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Hale. Nay: Mr. McRae.

Arkansas—Yea: Messrs. Johnson, Thomason, and Watkins.

Kentucky—Yea: Mr. Johnson. Nay: Mr. Monroe.

Louisiana—Nay: Mr. Conrad.

Mississippi—Yea: Messrs. Harris, Harrison, and Campbell. Nay: Mr. Bradford.

Missouri—Yea: Messrs. Clark, Conrow, and Freeman.

North Carolina—Yea: Messrs. Venable and Puryear.

South Carolina—Yea: Messrs. Memminger and Boyce.

Tennessee—Yea: Messrs. House and De Witt.

Texas—Yea: Messrs. Reagan and Waul. Nay: Messrs. Hemphill and Ochiltree.

Virginia—Yea: Messrs. Hunter, Bocoek, and Russell. Nay: Messrs. Macfarland, Rives, Boteler, Brockenbrough, and Johnston.

Yea: Arkansas, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee. 6.

Nay: Louisiana and Virginia. 2.

Divided: Alabama, Kentucky, and Texas. 3.

Not voting: Florida and Georgia. 2.

So the motion to reconsider prevailed.

And the question being upon agreeing to the amendment of Mr. Monroe to fill the blank with the words "two thousand,"

The same was not agreed to.

Mr. Johnson of Arkansas moved to fill the blank with the words "fifteen hundred."

The motion was agreed to.

And Mr. Johnson of Arkansas then moved to reconsider the vote by which the Congress agreed to fill the second blank with the words "one thousand."

The motion prevailed.

And the question being upon agreeing to the amendment of Mr. Ochiltree to fill the second blank with the words "one thousand,"

The same was not agreed to.

Mr. Johnson of Arkansas then moved to fill the blank with the words "five hundred."

The motion was agreed to.

Mr. Waul moved to fill the blank in relation to the salaries of judges with the words "two thousand."

Upon which Mr. Freeman, at the instance of the State of Missouri, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Mr. McRae. Nay: Mr. Hale.

Arkansas—Nay: Messrs. Johnson, Thomason, and Watkins.

Kentucky—Yea: Messrs. Monroe and Johnson.

Louisiana—Yea: Messrs. Perkins and Conrad.

Mississippi—Yea: Messrs. Orr and Bradford. Nay: Messrs. Harrison and Campbell.

Missouri—Yea: Messrs. Clark and Vest. Nay: Messrs. Conrow and Freeman.

North Carolina—Yea: Mr. Venable. Nay: Mr. Puryear.

South Carolina—Yea: Messrs. Memminger and Boyce.

Tennessee—Yea: Mr. House. Nay: Mr. De Witt.

Texas—Yea: Messrs. Reagan and Waul. Nay: Mr. Oehiltree.

Virginia—Yea: Messrs. Macfarland, Bocoek, Rives, Brockenbrough, Russell, and Johnston.

Yea: Kentucky, Louisiana, South Carolina, Texas, and Virginia, 5.

Nay: Arkansas, 1.

Divided: Alabama, Mississippi, Missouri, North Carolina, and Tennessee, 5.

Not voting: Florida and Georgia, 2.

So the motion was not agreed to.

Mr. Thomason moved to fill the blank with the words "eighteen hundred."

The motion was agreed to.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations to comply in part with treaty stipulations with certain Indian tribes.

Mr. Campbell moved to amend by striking out the word "five," where it occurs in the section, and insert in lieu thereof the word "four."

The amendment was agreed to.

Also to fill the last blank with the words "one thousand."

The amendment was agreed to.

The fourteenth section being under consideration, which refers to the Delegates to Congress, and their pay and mileage.

Mr. Campbell moved to amend by filling the first blank with the words "ten cents;" which was agreed to.

Also to fill the second blank with the words "eight dollars."

The amendment was agreed to.

Also to strike out the word "are" and to insert in lieu thereof the words "may be."

The amendment was agreed to.

And the fifteenth section being under consideration, which refers to surveying the lands of the Territory,

Mr. Thomason moved to strike out the word "two" after "market" and insert in lieu thereof the word "four."

The amendment was not agreed to.

And section 18 being under consideration; which is as follows, to wit:

SEC. 18. *And be it further enacted*, That the provisions of this act be, and are hereby, suspended until the President of the Confederate States shall issue his proclamation, declaring this act to be in full force and operation, and shall proceed to appoint the officers herein provided to be appointed in and for said Territory.

Mr. Campbell moved to amend the same by adding at the end thereof the following words, to wit:

And if said officers shall not be appointed and confirmed before the eighteenth day of February, eighteen hundred and sixty-two, they shall be appointed by and with the advice and consent of the Senate of the Confederate States.

The amendment was not agreed to.

By general consent Congress recurred to the twelfth section, when Mr. Thomason moved to amend by inserting after the word "Congress" the words "or the Senate."

The amendment was agreed to.

And Congress having recurred to the tenth section by general consent, Mr. Waul moved to amend by striking out the words "but neither of them shall be eligible to reappointment to the same office in said Territory."

The amendment was agreed to.

And the bill was engrossed, read a third time, and passed.

And Mr. Campbell moved to amend the same by striking out the words "and to create the office of surveyor-general therein."

The amendment was agreed to.

Mr. Conrad moved to reconsider the vote on the passage of

A bill authorizing the construction of a certain number of gunboats.

The motion was agreed to.

Mr. Conrad moved to reconsider the vote by which said bill was ordered to be engrossed for a third reading.

The motion was agreed to.

Mr. Conrad then moved to amend by striking out the words "approved and adopted by" and to insert in lieu thereof "as modified by."

The amendment was agreed to.

And the bill as amended read a third time and passed.

Mr. Harris of Mississippi introduced

A bill relating to the custody of the returns of the certificates of the votes of the elections for President and Vice-President; which was read first and second times, engrossed, read third time, and passed.

EXECUTIVE DEPARTMENT,  
*Richmond, December 24, 1861.*

*Mr. President:* The President has this day approved and signed

An act entitled "An act making appropriations to comply in part with treaty stipulations with certain Indian tribes;" also

An act to authorize the President to confer temporary rank and command on officers of the Navy doing duty with troops.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Waul, from the Committee on Indian Affairs, reported back and recommended the passage of

A bill to provide for the payment of certain Indian troops; which was read first and second times.

Mr. Harris moved to postpone the further consideration of the bill; which was agreed to.

And on motion of Mr. Campbell,

Congress took a recess until 7 o'clock p. m.



7 O'CLOCK P. M.

Congress met pursuant to adjournment and proceeded to the consideration of the unfinished business; which was the consideration of  
 A bill to provide for the payment of certain Indian troops.  
 The bill was engrossed, read third time, and passed.

EXECUTIVE DEPARTMENT,  
*Richmond, December 24, 1861.*

*Mr. President:* The President has this day approved and signed

An act making appropriations for the purchase and alteration of steamers into gunboats for the defense of Cumberland and Tennessee rivers;

An act to amend an act entitled "An act to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America;"

An act making appropriations for the construction of 100 gunboats for the coast defense of the Confederate States;

An act to provide for the appointment of chaplains in the Navy;

An act to provide for certain officers of the Revenue Service;

An act to authorize the transfer of a certain appropriation;

An act to authorize the appointment of additional officers of the Navy;

An act making appropriations for the expenses of Government in the legislative, executive, and judicial departments for the year ending 18th of February, 1862; and

An act supplementary to an act to authorize the issue of Treasury notes, and to provide a war tax for their redemption.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Hale, from the Committee on Military Affairs, reported back and recommended the passage of

A bill to provide for a corps of engineers for the Provisional Army; which was engrossed, read three times, and passed.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the President to cause to be constructed a certain number of gunboats.

The Chair announced the following members of committees:

Mr. Monroe, Foreign Affairs and Judiciary; Mr. Burnett, Finance; Mr. Johnson of Kentucky, Military.

Mr. Johnson of Arkansas introduced

A bill to establish certain judicial districts, and to provide for courts of the Confederate States therein; which was read first and second times and referred to the Committee on the Judiciary.

On motion of Mr. Hale, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. De Witt offered the following resolution:

*Resolved*, That when this Congress adjourns to-night it take a recess till Monday, the sixth day of January, anno Domini eighteen hundred and sixty-two.

Mr. Waul moved to amend the same by striking out "sixth day of January" and inserting "thirtieth December," and upon which, at the instance of the State of Texas, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae.

Arkansas—Yea: Messrs. Johnson and Watkins. Nay: Mr. Garland.

Kentucky—Yea: Mr. Monroe. Nay: Mr. Johnson.

Louisiana—Yea: Mr. Perkins. Nay: Mr. Conrad.

Mississippi—Yea: Messrs. Harris, Orr, Harrison, and Campbell.  
Nay: Mr. Bradford.

Missouri—Yea: Messrs. Cooke and Conrow. Nay: Mr. Clark.

North Carolina—Yea: Mr. Venable. Nay: Mr. Puryear.

South Carolina—Yea: Mr. Boyce.

Tennessee—Nay: Messrs. House and De Witt.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Mr. Hemphill.

Virginia—Nay: Messrs. Bocoek, Brockenbrough, and Russell.

Yea: Alabama, Arkansas, Mississippi, Missouri, South Carolina, and Texas, 6.

Nay: Tennessee and Virginia, 2.

Divided: Kentucky, Louisiana, and North Carolina, 3.

Not voting: Florida and Georgia, 2.

So the amendment was agreed to.

And the question recurring upon the adoption of the resolution as amended,

Mr. Bradford of Mississippi, at the instance of his State, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae.

Arkansas—Yea: Messrs. Johnson and Watkins. Nay: Mr. Garland.

Kentucky—Yea: Messrs. Monroe and Johnson.

Louisiana—Yea: Mr. Perkins. Nay: Mr. Conrad.

Mississippi—Yea: Messrs. Harris, Harrison, and Campbell. Nay: Messrs. Orr and Bradford.

Missouri—Yea: Mr. Conrow. Nay: Messrs. Clark and Cooke.

North Carolina—Yea: Mr. Puryear. Nay: Mr. Venable.

South Carolina—Yea: Mr. Boyce.

Tennessee—Nay: Messrs. House and De Witt.

Texas—Yea: Messrs. Hemphill and Waul. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Brockenbrough and Russell. Nay: Mr. Bocoek.

Yea: Alabama, Arkansas, Kentucky, Mississippi, South Carolina, Texas, and Virginia, 7.

Nay: Missouri and Tennessee, 2.

Divided: Louisiana and North Carolina, 2.

Not voting: Florida and Georgia, 2.

So the resolution as amended was adopted.

Mr. Johnson of Arkansas moved to take up

A bill to authorize the President to confer temporary rank and command for service with volunteer troops on officers of the Confederate Army.

The motion was agreed to.

And the bill was taken up, engrossed, read third time, and passed.

Mr. Boyce moved to take up for consideration the report of the Military Committee in relation to the publication of the reports of the various battles.

The motion did not prevail.

And Congress, on motion of Mr. Orr.

Adjourned until 12 o'clock on Monday, December 30, 1861.

## EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before the Congress the following communication from the President:

EXECUTIVE OFFICE, *Richmond, December 23, 1861.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

## COMMISSARY DEPARTMENT.

*Major.*

B. P. Noland, of ———.

*Captains.*

Thomas F. Leonard, of Mississippi; John M. Walker, of North Carolina; Thomas J. Collier, of Georgia; John G. Campbell, of Louisiana; George W. Stedham, of Arkansas; John M. Quinn, of Georgia; Edgar Miller, of Tennessee; W. J. Fleming, of Mississippi; S. G. Ray, of Tennessee; J. M. Senter, jr., of Tennessee; A. H. Shuford, of North Carolina; F. W. Green, of Tennessee; George P. Wagnon, of Alabama; Asa J. Roberts, of Alabama; R. H. Simmons, of Texas; A. K. Lee, of Texas; Preston Brown, of Mississippi; W. H. Sanford, of North Carolina; John Knox, of Virginia; Andrew R. Venable, of Virginia; W. H. Burns, of Kentucky; S. T. Bridges, of Texas; R. F. McKee, of North Carolina; John E. Spearman, of North Carolina; W. W. Guy, of Kentucky; L. M. Gardner, of Kentucky; W. O. Hagerty, of Alabama; James C. Jenifer, of Virginia; John C. Bridgewater, of Tennessee; John Collins, of North Carolina; Thomas B. McNaughton, of Tennessee; Alpheus F. Haymond, of Virginia.

## QUARTERMASTER'S DEPARTMENT.

*Majors.*

Peter M. Leath, of Tennessee; Fleming Hodges, of Alabama; S. T. Peters, of Virginia.

*Captains.*

M. H. Keene, of Arkansas; Benjamin A. Botts, of Texas; Benjamin F. Ridgeway, of Tennessee; John T. Averett, of Virginia; David B. Horner, of Virginia; S. M. Somers, of Virginia; John M. West, of Louisiana; James Hamilton, of Mississippi; L. Hudgings, of Tennessee; J. P. Barker, of Missouri; J. F. Thompson, of Tennessee; E. C. Simkins, of Florida; Walter V. Crouch, of Louisiana.

The communication was referred to the Committee on Military Affairs.

The following communication was received from the President:

EXECUTIVE DEPARTMENT, *Richmond, December 24, 1861.*

*To the Congress of the Confederate States:*

I nominate the officers named in the annexed list, agreeably to the recommendation of the Secretary of the Navy.

JEFFERSON DAVIS.

*Lieutenant.*

Nicholas H. Van Zandt, of the District of Columbia, late a lieutenant in the United States Navy.

## QUARTERMASTER IN MARINE CORPS.

Algernon S. Taylor, of Virginia, a captain in the Marine Corps.

The communication was referred to the Committee on Naval Affairs. The Chair laid before Congress another communication from the President; which is as follows:

EXECUTIVE DEPARTMENT, *Richmond, December —, 1861.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

QUARTERMASTER'S DEPARTMENT

*Majors.*

J. B. Ferguson, jr., of Virginia; Charles E. Carr, of Virginia; M. G. Harman, of Virginia; Isaac B. Dunn, of Virginia; A. B. Cooke, of Virginia; W. S. Ashe, of —; Dan. F. Coker, of Tennessee; John Goodwin, of Alabama; A. B. Ragan, of Georgia; Albert J. Smith, of Virginia; W. J. Anderson, of Tennessee; V. K. Stevenson, of Tennessee; John W. Cameron, of North Carolina; A. E. Jackson, of Tennessee; C. A. Snowden, of Maryland; W. H. P. Anson, of Florida; James F. Brewer, of Kentucky; George W. Jones, of —; William Lamb, of Virginia; John B. Harvie, of Virginia; N. G. Watts, of Mississippi; Sam. K. Hays, of Kentucky; E. Willis, of South Carolina; W. F. Ayer, of Virginia; Ed. McMahon, of Virginia; S. L. Lewis, of Louisiana; H. J. Ranney, of Kentucky; Julius Hessee, of —; Thomas Peters, of Tennessee; W. B. Cross, of the District of Columbia; William R. Hunt, of Tennessee; A. A. Burleson, of Alabama; A. H. McLaws, of Georgia; William P. Mitchell, of Tennessee; Charles S. Severson, of Mississippi; J. H. McMahon, of Tennessee; Sumner J. Smith, of Georgia; William M. Montgomery, of Arkansas; L. G. De Russy, of Louisiana; John Pope, of —; James Glover, of Tennessee; W. F. Alexander, of Georgia; Alfred M. Barbour, of Virginia; W. A. Broadwell, of Louisiana; T. F. Fisher, of Louisiana; T. S. Moise, of Louisiana; A. F. Cone, of Georgia; J. D. Williamson, of Virginia; J. A. Johnston, of Virginia; J. A. Harman, of Virginia; Alfred W. G. Davis, of Virginia; Clement D. Hill, of —; T. R. Heard, of Louisiana; W. L. Bailey, of the District of Columbia; J. B. F. Boone, of North Carolina; L. W. O'Bannon, of —; J. F. Minter, of —; H. R. Teasdale, of —; R. F. Mason, of —; R. C. Tyler, of —; John D. Rogers, of —; M. L. Davis, of —; W. E. Dyer, of Alabama; George Booker, of Virginia; William Quesenbury, of Arkansas; John B. Morey, of —; Roland Rhett, of South Carolina; Hutson Lee, of South Carolina; George D. Mercer, of Virginia; Benjamin Bloomfield, of Virginia; A. W. Harman, of —.

*Captains.*

William H. Govan, of Arkansas; John B. Burton, of Arkansas; James D. Latimer, of Arkansas; Henry T. Hall, of Georgia; Alexander Phillips, of Georgia; James M. Cole, of Georgia; Julius A. Robbins, of Alabama; Leroy T. Johnson, of Alabama; J. W. A. Sanford, of Alabama; James D. Webb, of Alabama; Edwin H. Harris, of Alabama; Robert N. Ely, of Georgia; R. R. Holliday, of Georgia; George Whitfield, of Mississippi; W. R. Barksdale, of Mississippi; James H. Turner, of Mississippi; Andrew G. Scott, of Mississippi; M. W. Cluskey, of Tennessee; J. M. Thomson, of Mississippi; C. G. Armstead, of Mississippi; John E. Garey, of Tennessee; Walter Goodman, of Mississippi; W. T. Hardy, of Virginia; William H. Irwin, of Virginia; J. B. McClelland, of Virginia; S. H. Boykin, of Virginia; J. A. Johnson, of Virginia; W. W. Weisiger, of Virginia; John Ambler, of Virginia; John A. Harman, of Virginia; E. J. Armstrong, of Virginia; T. P. Pendleton, of Virginia; H. H. Selden, of Virginia; W. S. Wood, of Virginia; R. P. Archer, of Virginia; D. H. Wood, of Virginia; Robert C. Woods, of Virginia; George W. Grice, of Virginia; John F. Whitfield, of —; William F. Haines, of Missouri; John R. Cringan, of Virginia; L. De Laigle, of Georgia; M. Suratt, of Mississippi; John J. Anderson, of Tennessee; E. S. Cheatham, of North Carolina; Philip Catching, of Mississippi; C. S. Hart, of Georgia; George T. McGehee, of Mississippi; E. M. L. Engle, of Florida; John G. Finnie, of Tennessee; Clement Young, of —; M. H. Crump, of —; D. M. Hood, of Georgia; Robert Thomas, of Georgia; B. F. Whitescarver, of Virginia; David Butcher, of Virginia; G. T. Jones, of Virginia; E. A. Deslonde, of Louisiana; Theodore Johnston, of Louisiana; J. G. Kelburn, of Louisiana; David C. Labatt, of Louisiana; Hannibal Harris, of Texas; M. B. McMicken, of Florida; Richard H. Gayle, of Virginia; Thompson Harrison, of Louisiana; F. D. Cleary, of Virginia; B. F.



Lovelace, of South Carolina; J. D. Wright, of South Carolina; James Goodman, of Louisiana; John G. Pierce, of Alabama; William H. Harrison, of Texas; William McMinn, of Alabama; R. G. Echols, of Virginia; Chastain White, of Virginia; Charles F. West, of Virginia; S. M. Yost, of —; J. L. Morgan, of —; Ed. Phillips, of Louisiana; R. B. Winder, of Virginia; W. D. Schoolfield, of Texas; R. G. Banks, of Virginia; R. J. Haller, of Virginia; Christian H. Suber, of South Carolina; John W. Bell, of Virginia; Richard P. Waller, of Virginia; James B. Thornton, of Tennessee; Emile Lasere, of Louisiana; William L. Powell, of Virginia; Montilla Clark, of Virginia; John B. Grayson, of Virginia; F. W. Dillard, of —; J. H. Echols, of Alabama; Charles Morris, of Virginia; C. R. Mason, of Virginia; J. R. Brethwait, of Virginia; H. T. Massingale, of Tennessee; John C. McClenahan, of South Carolina; S. M. Lanier, of Florida; Thomas D. Hamilton, of Mississippi; W. T. Alston, of North Carolina; W. A. Adams, of Georgia; Mitchell Tate, of Virginia; John T. Roberts, of Kentucky; P. M. Doherty, of Mississippi; Ben. F. Bomar, of Georgia; Kensey Johns, of Georgia; James A. R. Hanks, of Georgia; James Vaughan, of Georgia; H. McD. McElrath, of Tennessee; N. E. Scales, of North Carolina; James J. Litchford, of North Carolina; Charles De Reigne, of Louisiana; R. P. Atkinson, of North Carolina; W. H. Hickman, of Florida; J. D. Tolson, of Mississippi; Jas. McKay, jr., of Florida; Landon W. Oglesby, of Tennessee; George M. Cochran, of Virginia; R. C. Shorter, of Georgia; John P. Dillingham, of North Carolina; D. F. Summey, of North Carolina; Samuel O. Broadwell, of Arkansas; H. C. Whiting, of —; T. H. Hull, of —; A. W. Vick, of Tennessee; Miles K. Crenshaw, of Virginia; Alphonse Casabat, of Louisiana; Hermann Hirsch, of Georgia; Robert Erwin, of Georgia; A. S. Byrd, of Virginia; John C. Wooson, of Virginia; N. H. Keyser, of Virginia; S. H. Lewis, jr., of Virginia; Samuel R. Chisman, of Virginia; E. D. Booker, of Virginia; H. C. Deshields, of Virginia; Hamilton J. Stone, of Virginia; John A. Moore, of Alabama; F. C. Hutter, of —; S. A. Miller, of Virginia; Stepton Pickett, of Alabama; B. McKinne, of Alabama; Stephen H. Oliver, of —; H. McCall Davenport, of Georgia; Thomas C. Clark, of Alabama; Elias W. Kennedy, of Alabama; B. F. Jones, of Georgia; Thomas P. McCandlish, of Virginia; John C. Maynard, of Virginia; T. J. Woolfolk, of Alabama; J. S. Green, of South Carolina; Osborn R. Smith, of Mississippi; James Houston, of Georgia; H. M. Bell, of —; H. K. Daniel, of Georgia; Thomas M. Blount, of North Carolina; Miles Selden, of Virginia; Alfred Boyd, of Kentucky; F. P. Clark, of Virginia; John Kirkland, of North Carolina; S. M. H. Byrd, of Georgia; A. D. Cazaux, of North Carolina; J. S. Powell, of —; C. D. Clarke, of —; William Bacon, of Georgia; Henry B. Holliday, of Georgia; T. V. Hyde, of Tennessee; P. A. Sandy, of Virginia; Thomas Wilson, of Virginia; J. R. Vogler, of North Carolina; E. S. Tutwiler, of —; George S. Thompson, of —; David W. Hinkle, of Alabama; James McLofler, of Tennessee; J. M. Jemison, of Alabama; S. P. Mitchell, of —; A. H. McGowan, of South Carolina; W. W. Giddens, of Tennessee; J. F. Mea, of Tennessee; James Davenport, of Tennessee; A. D. Taylor, of Tennessee; W. W. Floyd, of Tennessee; R. P. Crockett, of Tennessee; R. J. Lightfoot, of Georgia; Ed. McCormick, of —; W. M. Jones, of Kentucky; F. L. Groce, of Georgia; James M. Morgan, of Tennessee; Oliver S. Dewey, of North Carolina; C. McGivern, of —; John Glaize, of Virginia; Shepherd M. Ashe, of Tennessee; S. V. Sheats, of Georgia; John W. Sutlive, of Georgia; John B. Hoge, of —; Albert Cammack, of Louisiana; G. W. Cunningham, of —; J. L. Sehon, of —; G. M. Fogg, jr., of —; C. G. Blount, of Mississippi; John McCreery, of Virginia; Henry J. Kelly, of Virginia; L. S. Scruggs, of Mississippi; Samuel Prewitt, of Georgia; Henry Pendleton, of —; W. E. Warren, of —; W. B. Richards, jr., of Virginia; William G. Allan, of Virginia; James F. Bowyer, of Virginia; J. S. Hines, of North Carolina; P. B. Robinson, of Alabama; W. B. Brockett, of Louisiana; Henry L. Harper, of Mississippi; J. R. Billups, of Mississippi; H. W. Forbes, of Georgia; W. C. Brown, of North Carolina; John M. Ransom, of —; C. M. Smith, of —; C. H. Suber, of South Carolina; Carey Lloyd, of Alabama; Samuel T. Neal, of Georgia; Young J. Anderson, of Georgia; R. B. Patterson, of —; J. D. Wade, of Texas; H. T. Hodnett, of —; J. B. Hill, of —; J. B. Moore, of —; Joseph H. Holt, of Virginia; H. M. Waller, of Virginia; R. H. Phillips, of Virginia; P. B. Hoge, of Virginia; Benton J. Brown, of Virginia; Charles Floyd, of Virginia; E. Powell, of Louisiana; T. J. Bell, of South Carolina; Lovick P. Thomas, of Georgia; Adolphe Lemee, of Louisiana; Samuel Stevens, of Virginia; Henry A. Meetze, of South Carolina; Nelson W. Crisler, of Virginia; James G. Paxton, of —; W. D. Peck, of South Carolina; Thomas Marshall, of —; Y. S. Patton, of —; Ervin Baines, of Mississippi; A. J. Allensworth, of —; Cyrus W. Grandy, of North Carolina; Samuel L. Lewis, of Virginia; Charles D. Hill, of North Carolina; Fred. Ingate, of Tennessee; Josephus Guthrie, of Georgia; Daniel Crawford, of South Carolina; Andrew Dunn, of Georgia;

E. C. Jordan, of Arkansas; E. A. Banks, of —; R. C. Tyler, of Tennessee; J. B. Carson, of Tennessee; J. L. Lea, of Tennessee; Rice W. Payne, of Virginia; William Jameson, of Arkansas; C. W. Wallace, of Virginia; W. S. Hannah, of Virginia; M. P. Funkhouser, of Virginia; Peter C. Cox, of Virginia; William B. Smith, of Virginia; Alexander Baker, of Virginia; B. S. Thompson, of Virginia; P. H. Woodward, of Virginia; J. L. West, of Louisiana; R. S. Harris, of North Carolina; E. S. Worthington, of Kentucky; W. H. Brannon, of Tennessee; O. F. Brewster, of Tennessee; James H. Crump, of Arkansas; E. F. Cheatham, of Tennessee; Daniel Richardson, of Texas; Thomas B. Lee, of South Carolina; W. M. Jayne, of Mississippi; James R. Kidd, of Mississippi; John Page, of Virginia; James H. Baughan, of Virginia; John Farrell, of North Carolina; W. D. Hardeman, of Louisiana; W. A. Barbour, of Mississippi; E. A. Wilcox, of Georgia; John F. Divine, of North Carolina; Ed. G. Bradley, of Alabama; E. J. Guilford, of Tennessee; E. Scanlan, of Mississippi; G. S. Thompson, of North Carolina; A. V. Saunders, of North Carolina; Charles S. Carrington, of —; James H. Crump, of Virginia; H. M. Davenport, of Georgia; James T. Stewart, of Georgia; R. L. Christian, of Virginia; James A. McClung, of Virginia; John J. Burke, of Virginia; Israel Gibbons, of Louisiana; Robert P. Nolan, of Arkansas; Edward Mallory, of Arkansas; John Webb, of Arkansas; George Scott, of Louisiana; John G. Benton, of Louisiana; William H. Bryson, of North Carolina; F. A. Briscoe, of —; Paul H. Langdon, of —; James Taylor, of —; William Hone, of Georgia; John Livingston, of Louisiana; William Gibboney, of Virginia; John A. Browning, of Virginia; Randolph Turk, of Virginia; Fleming Saunders, of Virginia; James B. White, of Virginia; V. C. Huff, of Virginia; Joseph Gagné, of Louisiana; George D. Farrar, of Mississippi; E. A. Cowen, of Louisiana; E. B. Branch, of —; H. McCoy, of —; J. B. Brown, of —; A. S. Cabell, of —; Udolpho Wolfe, of Texas; J. D. Thomas, of Tennessee; A. L. Land, of Virginia; Thomas P. Haskins, of —; Joseph M. Brown, of Virginia; J. C. Deane, of Virginia; Thomas R. Sharp, of Virginia; W. H. Trent, of Virginia; William E. Duncan, of Virginia; William L. Cochran, of Virginia; William J. Clark, of Virginia; H. J. Hearsey, of Mississippi; Andrew J. Witt, of Texas; George M. Morgan, of Louisiana; John H. Henshaw, of Louisiana; G. P. Theobald, of Kentucky; G. H. Brown, of North Carolina; W. H. Peyton, of —; John Mason, of —; W. M. Addington, of North Carolina; Charles A. Harding, of Maryland; J. P. Stevens, of Mississippi; J. M. Haynes, of Mississippi; I. Saffarans, of Tennessee; E. L. Belcher, of Tennessee; L. F. Cobler, of Tennessee; George Dashiell, of Tennessee; J. T. Sibley, of Louisiana; John L. Hibble, of Virginia; A. S. Stonebreaker, of Virginia; F. M. Gailor, of Tennessee; William H. Wooten, of Arkansas; J. J. Green, of Tennessee; R. Parker Doss, of Mississippi; Joshua Hale, of Tennessee; T. C. McMackin, of Mississippi; J. H. Littlefield, of Texas; Thomas W. Cowles, of Alabama; J. S. Coles, of South Carolina; Israel G. Vore, of Arkansas; Charles S. Wallack, of —; W. S. Harris, of Florida; John W. White, of North Carolina; A. P. Hale, of Tennessee; Thad. Foster, jr., of Florida; G. L. Dudley, of North Carolina; H. W. Fitzhugh, of —; A. J. Brown, of —; John G. Ashe, of —; George R. R. Dunn, of —; Jacob I. Hill, of Virginia; W. J. Hawkins, of Tennessee; Albert F. Yerby, of Virginia; James K. Rambo, of Virginia; James Compton, of Virginia; Richard McConnell, of —; M. B. Porteaux, of —; M. S. Hanckel, of —; R. Q. Pinckney, of —; W. L. Wickham, of —; Daniel N. Speer, of Georgia; Motte A. Pringle, of South Carolina; Isaiah Fearing, of North Carolina; Nathaniel O. Tilton, of —; Richard J. Hill, of Alabama; M. M. Duffie, of Arkansas; N. L. Lawrence, of —; Charles F. Moore, of —; T. S. Fayssoux, of South Carolina; Henry O. Claggett, of —; William Rodefer, of —; Joseph M. Seav, of —; P. Lockett, of Alabama; Thomas M. Le Baron, of Alabama; B. D. Williams, of North Carolina; Bryant G. Dunlap, of North Carolina; George McKennie, of Alabama; W. D. Thomson, of Kentucky; Josiah W. Washbourne, of Arkansas; M. B. Pilcher, of Tennessee; George P. Persinger, of Virginia; B. H. Harrison, of Virginia; W. Howell, of Mississippi; C. W. Hardy, of Virginia; James A. Rust, of Arkansas; R. P. Hamilton, of Maryland; Elias Griswold, of —; E. A. Heggie, of Georgia; Douglas Vass, of Alabama; Oliver H. P. Corprew, of Virginia; James J. Smylie, of Mississippi; F. Moore, of Mississippi; W. R. Johnson, of Virginia; Richard Epps, of Virginia; William Miller, of Virginia; Robert Carter, of Virginia; W. H. Jernigan, of Georgia; A. Mizell, of Mississippi; John D. Johnson, of South Carolina; S. E. Rumble, of Mississippi; H. M. Pertle, of Tennessee; Jesse H. Heath, of Virginia; Montgomery C. Dibrell, of Tennessee; Moses Cruse, of Tennessee; W. B. Davis, of Tennessee; John S. Bransford, of Tennessee; John T. Shepard, of Tennessee; F. M. Duffy, of Tennessee; M. L. Ogden, of Texas; J. R. Bell, of Mississippi; Marion B. Wyatt, of Texas; G. A. Wardlaw, of South Carolina; A. M. Whitaker, of Mississippi; James L. Clark,

of Maryland; William Carrere, of Maryland; Franklin Shaw, of Louisiana; James R. Neill, of North Carolina; James Johnson, of Tennessee; Henry L. Martin, of Tennessee; James L. Herron, of Tennessee.

The communication was referred to the Committee on Military Affairs.

Mr. Hale, from the Committee on Military Affairs, to whom was referred the communications of the President making nominations of officers in the Army of the Confederate States, reported back the same, with the recommendation that Congress advise and consent to the same.

Mr. McRae of Alabama moved to postpone the confirmation of W. N. R. Beall as captain; which was agreed to.

Mr. Waul moved to postpone the confirmation of [M. M.] Kimmel, of the State of Missouri; which was agreed to.

Mr. Clark moved that the confirmation of [J. S.] Marmaduke be postponed.

The motion prevailed; and,

On motion of Mr. Hale,

The balance were confirmed, Congress advising and consenting to the same.

Mr. Hale, from Committee on Military Affairs, to whom was referred the nominations of Edward Johnson, of Kentucky, and R. E. Colston, of Virginia, as brigadier-generals in the Army of the Confederate States, reported back the same, with the recommendation that Congress advise and consent to their confirmation.

The report was concurred in and the nominations confirmed.

Mr. Hale, from same committee, reported back sundry nominations in the Regular Army.

Mr. Waul moved to postpone the consideration of the same; which motion did not prevail.

Mr. ——— moved to postpone the nomination of R. R. Garland as captain of infantry; which was agreed to, and

The remainder were confirmed.

Mr. Hale, from same committee, reported back a list of appointments in the Regular Army of the Confederate States and recommended their confirmation.

Mr. Waul moved that the consideration of the same be postponed, and, at the instance of the State of Texas, demanded the yeas and nays thereon.

The demand was sustained and the yeas and nays ordered,

With the following result:	{ Yeas .....	1
	{ Nays .....	9
	{ Divided .....	1
	{ Not voting .....	2

Yeas: Messrs. Perkins and Conrad of Louisiana, Mr. Orr of Mississippi, Mr. Cooke of Missouri, Mr. Puryear of North Carolina, Mr. Waul of Texas, and Mr. Bockock of Virginia.

Nays: Messrs. Hale and McRae of Alabama, Messrs. Johnson, Garland, and Watkins of Arkansas, Messrs. Harris, Bradford, Harrison, and Campbell of Mississippi, Messrs. Clark and Conrow of Missouri, Messrs. House and De Witt of Tennessee, Messrs. Hemphill and Ochiltree of Texas, Messrs. Brockenbrough and Russell of Virginia, Mr. Venable of North Carolina, and Mr. Boyce of South Carolina.

So the motion to postpone the nominations did not prevail and, on motion,



The nominations were confirmed.

Mr. Monroe, from Committee on Military Affairs, to whom was referred sundry nominations of officers, reported and recommended the confirmation of all except Lieut. Col. Reuben R. Ross, of Kentucky; which was agreed to, and the nominations were confirmed.

Mr. Hale, from same committee, reported back a list of nominations in Commissary and Quartermaster's Departments.

On motion, the consideration of the nomination of Alpheus F. Haymond as captain in the Commissary Department, and J. P. Barker as captain in the Quartermaster's Department was postponed.

The balance of the list were confirmed.

Mr. Hale, from same committee, reported back a list of nominations of chaplains for the Army of the Confederate States, and recommending the confirmation of the same.

The report was adopted, Congress advising and consenting to the nominations.

Mr. Hale, from same committee, to which had been referred sundry nominations of officers in the Corps of Artillery, reported back the same and recommended their confirmation.

On motion, the same were confirmed.

Mr. Hale also reported back a list of quartermasters.

On motion, the confirmation of T. C. McMackin, of Mississippi, was postponed; and

The remainder were confirmed.

Mr. Hale, from the Committee on Military Affairs, to which was referred a communication of the President, nominating brigadier-generals, etc., in the Provisional Army of the Confederate States, reported the same back and recommended the confirmation of the same.

The report was adopted and the nominations confirmed.

On motion, the executive session was closed.

### THIRTY-FIRST DAY—MONDAY, DECEMBER 30, 1861.

#### OPEN SESSION.

Congress met pursuant to adjournment, the Vice-President being in the chair.

And the roll having been called, the following States were found to be represented, respectively, to wit:

Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, South Carolina, Texas, and Virginia.

Mr. Monroe announced the presence of Mr. John J. Thomas and Mr. Theodore L. Burnett, Delegates-elect from the State of Kentucky, who came forward, presented their credentials, were duly qualified, and took their seats.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session.

Mr. Hale offered

A resolution instructing the Committee on Military Affairs to inquire into and report what legislation is needed to enable sick and disabled soldiers to procure speedy discharges and furloughs; which was read and agreed to.



Mr. Waul presented the petition of William Steele; which was referred to the Committee on the Judiciary, without being read.

Mr. Bocoock introduced

A bill to establish a post route from Hicksford to Lawrenceville, in Virginia;

which was read first and second times; and

On motion of Mr. Ochiltree, referred to the Committee on Postal Affairs.

EXECUTIVE DEPARTMENT,  
*Richmond, December 30, 1861.*

*Mr. President:* The President on Tuesday, the 24th of December, instant, approved and signed

An act to authorize the President to cause to be constructed a certain number of gunboats.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Ochiltree presented joint resolutions of the legislature of Texas; which were read and referred to the Committee on Commerce.

The Chair presented a communication from the President, transmitting to Congress the official report of the battle of Dranesville; which was read and, on motion of Mr. Waul, was ordered to be published.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act relating to the custody of the returns and certificates of the votes of the electors for President and Vice-President;

An act to provide for a corps of engineers for the Provisional Army;

An act to amend an act to authorize the President to confer temporary rank and command for service with volunteer troops on officers of the Confederate Army, approved May 21, 1861;

An act to provide for the payment of certain Indian troops; and

An act to organize the Territory of Arizona.

The Chair presented a communication from the President, transmitting certain estimates from the Secretary of the Treasury; which were read and referred to the Committee on Finance.

Mr. Harrison, from the Committee on Printing, reported and recommended the passage of

A bill to make additional appropriations to defray the expenses of the public printing;  
which was read first and second times, engrossed, read third time, and passed.

On motion of Mr. Bocoock.

Congress then adjourned until 12 o'clock m. to-morrow.

THIRTY-SECOND DAY—TUESDAY. DECEMBER 31, 1861.

OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to make additional appropriations to defray the expense of the public printing.

Mr. Harris of Missouri introduced

A bill to provide for raising, in the State of Missouri, additional troops for the Provisional Army of the Confederate States; which was read first and second times.

Mr. Waul moved to refer the same to the Committee on Military Affairs;

And Mr. Clark, at the instance of the State of Missouri, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Hale.

Arkansas—Nay: Mr. Thomason.

Georgia—Yea: Mr. Stephens.

Kentucky—Yea: Messrs. Monroe, Burnett, and Thomas.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Orr, Bradford, Barry, Harrison, and Campbell.

Missouri—Yea: Mr. Harris. Nay: Messrs. Clark, Conrow, Vest, and Freeman.

Texas—Yea: Messrs. Wigfall, Reagan, Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Rives, and Johnston. Nay: Messrs. Tyler, Boccock, and Russell.

Yea: Alabama, Georgia, Kentucky, Louisiana, Mississippi, Texas, and Virginia, 7.

Nay: Arkansas and Missouri, 2.

Not voting: Florida, North Carolina, South Carolina, and Tennessee, 4.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Ochiltree introduced the following resolution; which was read and agreed to, to wit:

*Resolved*, That five hundred additional copies of the report of the Postmaster-General be ordered to be printed for the use of the General Post-Office Department.

Mr. Macfarland presented a communication on the flag and seal of the Confederacy; which was referred to the Committee on Flag and Seal, without being read.

The Chair presented a communication from the President, transmitting to Congress reports of the battle at Port Royal; which was read and referred to the Committee on Military Affairs.

Mr. Ochiltree, from the Committee on Postal Affairs, to whom was referred

A bill to establish a post route from Hicksford to Lawrenceville, in Virginia,

reported the same back and recommended its passage.

The bill having received its first and second readings, was engrossed, read a third time, and passed.

Mr. Wigfall introduced

A bill to amend an act to raise an additional force to serve during the war;  
which was read first and second times and referred to the Committee on Military Affairs.

Mr. Orr moved that when Congress do adjourn it adjourn to meet on Thursday next at 12 o'clock m.

The motion was agreed to.

And, on motion of Mr. Campbell,

Congress adjourned until Thursday at 12 o'clock m.

#### EXECUTIVE SESSION.

Congress being in executive session,

A communication was received from the President of the Confederate States; which is as follows, viz:

RICHMOND, *December 31, 1861.*

*To the Congress of the Confederate States:*

Upon recommendation, J. M. Centre, jr., was nominated and by your honorable body confirmed as an assistant commissary, with the rank of captain. It now appears that the name is J. M. Senter, jr., instead of as above. I accordingly nominate J. M. Senter, of Tennessee, as an assistant commissary, with the rank of captain.

JEFFERSON DAVIS.

The following communication was also received from the President:

RICHMOND, *December 31, 1861.*

*To the Congress of the Confederate States:*

Among the nominations sent to Congress on the 23d of December was that of Alpheus F. Hammond, of Virginia, as assistant commissary, with the rank of captain. I desire to withdraw the said nomination and submit in place thereof the name of Alpheus F. Haymond, of Virginia.

JEFFERSON DAVIS.

The following communication was received from the President:

EXECUTIVE DEPARTMENT,  
*Richmond, December 31, 1861.*

*To the honorable President of the Congress.*

SIR: I herewith transmit to the Congress the nomination of James D. Bulloch, of Georgia, to be commander in the Confederate States Navy during the war, as recommended by the Secretary of the Navy.

JEFFERSON DAVIS.

Mr. Hale, from Committee on Military Affairs, reported back the following nominations of officers in Tennessee regiments and recommended their confirmation:

#### FIRST TENNESSEE REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Peter Turney, of Tennessee, to take rank April 27, 1861.

*Lieutenant-colonel.*

James H. Holman, of Tennessee, to take rank April 27, 1861.

*Major.*

Daniel W. Holman, of Tennessee, to take rank April 27, 1861.

## SECOND TENNESSEE REGIMENT, PROVISIONAL ARMY.

*Colonel.*

William B. Bate, of Tennessee, to take rank April 27, 1861.

*Lieutenant-colonel.*

David L. Goodall, of Tennessee, to take rank April 27, 1861.

*Major.*

William R. Doak, of Tennessee, to take rank April 27, 1861.

## THIRD TENNESSEE REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John C. Vaughn, of Tennessee, to take rank May 3, 1861.

*Lieutenant-colonel.*

John J. Reese, of Tennessee, to take rank May 3, 1861.

*Major.*

George W. Morgan, of Tennessee, to take rank May 3, 1861.

The report was adopted, and the nominations respectively confirmed. On motion of Mr. Ochiltree of Texas,

The nomination of Alpheus F. Haymond, of Virginia, and J. M. Senter, jr., of Tennessee, as assistant commissaries, with the rank of captain, was confirmed.

Mr. Hale, from the Committee on Military Affairs, to whom was referred a communication of the President, nominating sundry officers for the Adjutant-General's Department, reported the same back and recommended their confirmation.

Mr. Harris moved that the consideration of the nomination of Charles D. Fontaine, of Mississippi, as captain be postponed.

The motion prevailed.

The balance of the report was concurred in, and the nominations respectively confirmed.

Congress then proceeded to the consideration of the treaty with the Comanche tribe of Indians.

Mr. Harris moved to amend Article XIII, in the last paragraph, where occur the words "but this article creates no obligation to deliver up Mexicans who may be prisoners," as follows:

First. Strike out all after the word "up" and insert in lieu thereof the following words: "other prisoners than inhabitants of the Confederate States or Territories thereof."

Second. Strike out all of Article XX.

Third. Strike out all of Article XXVII.

which motion was agreed to.

Mr. Johnson of Arkansas offered the following resolution of ratification:

*Resolved (two-thirds of the Congress concurring),* That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the No-co-ni, Ta-ne-i-weh, Co-cho-tilh-ca, and Ya-pa-rih-ca bands of the Ne-un or Comanches of the Prairies and Staked Plain, by their chiefs and headmen, who signed the same articles, of the other part; concluded at the Wichita Agency, near the False Washita River, in the country leased from the Choctaws and Chickasaws,



on the twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-one, with the following amendments, to wit:

First. In the last paragraph of Article XIII where occur the words "but this article creates no obligation to deliver up Mexicans who may be prisoners," strike out all after the word "up" and insert in lieu thereof the following words: "other prisoners than inhabitants of the Confederate States or Territories thereof."

Second. Strike out all of Article XX.

Third. Strike out all of Article XXVII.

Mr. Ochiltree, at the instance of the State of Texas, demanded the yeas and nays thereon: which were ordered, and they are recorded as follows:

Yeas: Messrs. Hale and McRae of Alabama, Messrs. Johnson, Thomason, Garland, and Watkins of Arkansas, Messrs. Monroe and Johnson of Kentucky, Mr. Perkins of Louisiana, Messrs. Harris, Orr, Barry, Harrison, and Campbell of Mississippi, Messrs. Harris and Conrow of Missouri, Messrs. Smith, Venable, Puryear, and Davidson of North Carolina, Messrs. House, De Witt, Currin, and Caruthers of Tennessee, Messrs. Reagan, Hemphill, Waul, and Oldham of Texas, and Messrs. Preston, Bocoek, Russell, and Johnston of Virginia.

Nay: Mr. Ochiltree of Texas.

So the treaty was ratified.

Mr. Johnson offered the following resolution of ratification of the treaty with the Reserve Indians:

*Resolved (two-thirds of the Congress concurring),* That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Pen-e-tegh-ca band of Ne-mn or Comanches, and the tribes and bands of the Wichitas, Cado-Ha-da-chos, Huc-cos, Ta-hau-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees, and Delawares, residing in the country leased from the Choctaws and Chickasaws, each by its chiefs and headmen, who signed the said articles, of the other part; concluded at the Wichita Agency, near the False Washita River, in the said leased country, on the twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-one. And that the Congress also advises and consents to the ratification of the supplementary article of the same convention, made and concluded at the same time and place, by the said commissioner in behalf of the Confederate States with the Ta-wa-i-hash or Wichita band of Indians, with the amendments adopted, to wit:

First. Strike out all of Article XIX.

Second. Strike out all of Article XXIV.

which was passed unanimously.

On motion of Mr. Orr,

The executive session was dissolved until 7 o'clock p. m.

7 O'CLOCK P. M.

Congress proceeded to the consideration of the treaty with the Choctaw and Chickasaw nations of Indians.

Sundry amendments of the Committee on Territories were agreed to.

Whereupon,

Mr. Johnson of Arkansas offered the following resolution of ratification:

*Resolved (two-thirds of the Congress concurring),* That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and by the Choctaw and Chickasaw nations of Indians, by their respective commissioners thereunto appointed and elected, of the other part; concluded at the North Fork Village, on the North Fork of the Canadian River, in the Creek Nation, on the twelfth

day of July, in the year of our Lord one thousand eight hundred and sixty-one, with the following amendments:

I. Strike out from Article XXVII the words "to the same rights and privileges as may be enjoyed by Delegates from any Territory of the Confederate States" and insert in lieu thereof the following words: "to a seat in the Hall of the House of Representatives to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

II. Strike out from Article XXVIII the following words: "the whole Choctaw and Chickasaw country, as above defined, shall be received and admitted into the Confederacy as one of the Confederate States, on equal terms in all respects with the original States, without regard to population, and" and insert in lieu thereof the following words: "the application of the said nations to be admitted as a State into the Confederacy, on equal terms, in all respects, with the original States, shall be referred to and considered by the Congress of the Confederate States, by whose act alone, under the Constitution, new States can be admitted, and whose consent it is not in the power of the President of the present Congress to guarantee in advance, and, if the Congress shall assent to such admission, the whole Choctaw and Chickasaw country, as above herein defined, shall constitute the State so admitted, and in case of such admission."

III. Strike out from Article XLIII the following words: "or of any one of the States" and add at the end of this article the following words: "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their several courts."

IV. Strike out from Article XLIV the following words: "or in a State court" and insert in lieu thereof the following words: "or in a State court, subject to the laws of the State."

V. Strike out from the fourth paragraph of Article LVII, in the phrase "two hundred and ten thousand dollars," the word "ten" and insert in lieu thereof the word "two."

The amendments were agreed to; and

The resolution of ratification adopted unanimously.

Mr. Johnson of Arkansas, from Committee on Indian Affairs, moved the consideration of the treaty with the Creek Nation of Indians; which was agreed to.

The twenty-eighth, thirtieth, and fortieth articles of the treaty having been amended,

Mr. Johnson [of Arkansas] offered the following resolution in ratification of the said treaty:

*Resolved (two-thirds of the Congress concurring), That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of treaty, including the secret article and the supplementary article, made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Creek Nation of Indians, by its chiefs, headmen, and warriors, in general council assembled, of the other part; concluded at the North Fork Village, on the North Fork of the Canadian River, in the Creek Nation, on the tenth day of July, in the year of our Lord one thousand eight hundred and sixty-one, with the following amendments:*

I. Strike out from Article XXVIII the following words: "or in a State court" and insert in lieu thereof the following words: "or in a State court, subject to the laws of the State."

II. Add at the end of Article XXX the following words: "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article in respect to suits and proceedings in their respective courts."

III. Strike out from Article XL the following words: "the same rights and privileges as may be enjoyed by Delegates from any Territory of the Confederate States in the said House of Representatives" and insert in lieu thereof the following words: "a seat in the Hall of the House of Representatives, to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

The resolution and amendments were unanimously agreed to.

Mr. Johnson of Arkansas reported treaty with the Quapaw tribe of Indians.

Congress proceeded to the consideration of the same; and

The twenty-seventh article of said treaty having been amended,

Mr. Johnson [of Arkansas] offered the following resolution of ratification:

*Resolved (two-thirds of the Congress concurring),* That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, commissioner of the Confederate States to the Indian nations west of Arkansas, of the one part, and the Quapaw tribe of Indians, by its chiefs and warriors, who signed the same articles, of the other part; concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord one thousand eight hundred and sixty-one, with the following amendment:

Strike out from Article XXVII the following words: "or in a State court" and insert in lieu thereof the following words: "or in a State court, subject to the laws of the State."

On motion of Mr. Johnson,

The executive session was dissolved.

### THIRTY-THIRD DAY—THURSDAY, JANUARY 2, 1862.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Monroe announced the presence of Daniel P. White, a Delegate-elect from the State of Kentucky, who came forward, was qualified, and took his seat.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Harris of Mississippi, by unanimous consent, moved to reconsider the vote by which

A bill to repeal an act to establish a court of admiralty and maritime jurisdiction at Key West, in the State of Florida, was passed.

The motion was agreed to.

Mr. Campbell, from the Committee on Territories, by unanimous consent, moved to reconsider the vote on the passage of

A bill to organize the Territory of Arizona.

The motion was agreed to.

Mr. Campbell then moved to reconsider the vote by which the Congress ordered the said bill to be engrossed for a third reading.

The motion was agreed to.

And, on motion of Mr. Campbell, the said bill was recommitted to the Committee on Territories.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to establish a mail route from Hicksford to Lawrenceville, in Virginia.

Mr. Johnson of Arkansas, from the Committee on Indian Affairs, reported and recommended the passage of

A bill to reward the loyalty of a Seminole chief; which was read first and second times, engrossed, read third time, and passed.

Mr. Orr introduced

A bill supplementary to an act to organize the force of the Provisional Army of the Confederate States; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Tyler presented the petition of William J. Bishop; which was referred to the Committee on Military Affairs, without being read.

Also, a communication on the flag of the Confederacy; which was referred to the Committee on the Flag and Seal of the Confederacy.

Mr. Ochiltree presented the petition of George Yarbrough; which was referred to the Committee on the Judiciary, without being read.

Mr. Hale, from the Committee on Military Affairs, to whom was referred

A bill to amend an act to raise an additional force to serve during the war,

reported the same back and recommended its passage.

Mr. Waul moved that the bill be printed.

Mr. Orr moved to amend the motion of Mr. Waul by adding that the bill introduced by him be also printed.

The amendment was agreed to.

Mr. Oldham offered as a substitute for the bill the following, to wit:<sup>a</sup>

And, on motion of Mr. Monroe, all substitutes and amendments to the bill were ordered to be printed.

EXECUTIVE DEPARTMENT,  
Richmond, January 2, 1862.

*Mr. President:* The President, on Tuesday, the 31st December, ultimo, approved and signed

An act relating to the custody of the returns and certificates of the votes of the electors for President and Vice-President;

An act to provide for a corps of engineers for the Provisional Army;

An act to amend an act to authorize the President to confer temporary rank and command for service with volunteer troops on officers of the Confederate Army, approved May 21, 1861;

An act to provide for the payment of certain Indian troops; and

An act to make additional appropriations to defray the expenses of the public printing.

ROBERT JOSSELYN,  
Private Secretary.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to reward the loyalty of the principal chief of the Seminole Nation.

EXECUTIVE DEPARTMENT,  
Richmond, January 2, 1862.

*Mr. President:* The President has this day approved and signed

An act to establish a mail route from Hicksford to Lawrenceville, in Virginia.

ROBERT JOSSELYN,  
Private Secretary.

The Chair presented a communication transmitting to Congress certain estimates of the Secretary of the Treasury; which were referred to the Committee on Finance, without being read.

On motion of Mr. Venable,

Congress then adjourned until 12 o'clock m. to-morrow.

<sup>a</sup> The proposed substitute is not recorded in the Journal.



## THIRTY-FOURTH DAY—FRIDAY, JANUARY 3, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. Johnson of Arkansas moved to reconsider the vote on the passage of

A bill to reward the loyalty of a Seminole chief.

The motion was agreed to.

On motion of Mr. Hale, the injunction of secrecy was removed from

A resolution to authorize the President to send an agent to certain Indian tribes; and

An act for the protection of certain Indian tribes.

Mr. Perkins introduced

A bill to establish a post route in the State of Louisiana; which was read first and second times and referred to the Committee on Postal Affairs.

Mr. Vest offered the following resolution: which was read and agreed to, to wit:

*Resolved*, That the President be requested to cause the Secretary of War to transmit to Congress all the information, including correspondence, within his possession or control, in regard to the cause of the troops under the command of Brigadier-General Ben. McCulloch not having hitherto cooperated, and not now cooperating with the forces under General Sterling Price, in the State of Missouri; and also whether any immediate steps are contemplated by said Department toward reenforcing or sustaining the command of General Price in their advance upon the enemy.

Mr. Macfarland offered the following resolution: which was read and agreed to, to wit:

*Resolved*, That the sum of seventy-five dollars be paid out of the contingent fund of the Congress to Green and Allen for the bookcase made by them for Congress, the charge having been approved by the Committee on Accounts.

Congress then proceeded to the consideration of the special order of the day; which was

A bill to amend an act to raise an additional military force to serve during the war.

And the first section of the same being under consideration; which is as follows, to wit:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the second section of said act shall read as follows, to wit: That the volunteers so offering their services may be accepted by the President in companies, to be organized by him into squadrons, battalions, or regiments. The President shall appoint all field and staff officers; and if any vacancy or vacancies shall occur among the said field officers, in the office of colonel or lieutenant-colonel, the same shall be filled by promotion of the field officers of the squadron, battalion, or regiment in which the same has occurred, and the vacancy or vacancies caused thereby shall be filled by selection by the President; and if any vacancy shall occur in the office of major, the same shall be filled by selection as aforesaid; but the company officers shall be elected by the men composing the company, and, if accepted, the officers so elected shall be commissioned by the President; and in the event of any vacancy or vacancies occur-

ring among said company officers, the same shall be filled by promotion of the officers of said company, and the vacancy or vacancies thereby caused shall be filled by election by the noncommissioned officers and privates of said company.

Mr. Berry moved to amend the same by inserting after the word "President" the words "singly or," and after the word "into" the word "companies."

The amendment was agreed to.

Mr. Orr moved to amend by striking out the words "all field and staff officers" and to insert the following words, to wit: "but the field officers shall be elected by the volunteers when organized into battalions or regiments."

The Chair presented a communication from the President, transmitting to Congress certain estimates of the Secretary of War; which were read and referred to the Committee on Finance.

Mr. Harris of Mississippi, by unanimous consent, introduced

A bill making appropriations for certain floating defenses: which was read first and second times, and,

On motion of Mr. Harris of Missouri, was made the special order for 12 m. to-morrow.

On motion of Mr. Garland.

Congress then adjourned until 12 m. to-morrow.

### THIRTY-FIFTH DAY—SATURDAY, JANUARY 4, 1862.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. T. L. Burnett announced the presence of S. H. Ford, a Delegate-elect from the State of Kentucky, who came forward, was duly qualified, and took his seat.

On motion of Mr. Waul,

Congress then adjourned until 12 o'clock m. Monday next.

### THIRTY-SIXTH DAY—MONDAY, JANUARY 6, 1862.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was, on motion of Mr. Venable, organized by calling Mr. Campbell to the chair.

Prayer having been offered by the Rev. Dr. Hoge,

Mr. Ochiltree rose and announced the death of Mr. John Hemphill, a Delegate from the State of Texas, and moved the adoption of the following resolutions, to wit:

Whereas on Saturday, the fourth instant, at eleven o'clock ante meridian, Honorable John Hemphill, Delegate in the Provisional Congress of the Confederate States of America, from the State of Texas, departed this life in this city; and this Congress, entertaining high consideration of the merits of the deceased, and deeply deploring the loss sustained by the Confederate States and the State of Texas, in the death of so ripe a statesman and jurist and sterling patriot, do adopt the following resolutions:

*Resolved*, That the members of this Congress, desirous of showing every mark of respect due to the memory of Honorable John Hemphill, deceased, late a member of the same from the State of Texas, will go into mourning by wearing crape on the left arm for thirty days.

*Resolved*, That as a further mark of respect for the memory of the deceased, this Congress do now adjourn.

Pending which,

Mr. Waul moved that a committee of one from each State be appointed by the Chair to make suitable arrangements for the funeral obsequies of Mr. Hemphill.

The motion was agreed to.

And the Chair announced the following as the committee:

Messrs. Curry of Alabama, Garland of Arkansas, Ward of Florida, Kenan of Georgia, Conrad of Louisiana, Orr of Mississippi, Clark of Missouri, White of Kentucky, Venable of North Carolina, Boyce of South Carolina, Atkins of Tennessee, Waul of Texas, and Seddon of Virginia.

The question then recurring upon the adoption of the resolutions of Mr. Ochiltree, and the same having been seconded by Messrs. Johnson of Arkansas, Venable of North Carolina, Boyce of South Carolina, and Pryor of Virginia, the question was put, and the resolutions unanimously adopted.

Whereupon,

The Chair declared the Congress adjourned until 12 o'clock m. to-morrow.

### THIRTY-SEVENTH DAY—TUESDAY, JANUARY 7, 1862.

#### OPEN SESSION.

Congress met pursuant to adjournment, Mr. Bocoek being in the chair.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session, proceeded to the consideration of the unfinished business; which was the pending motion of Mr. Orr, to amend the first section of

A bill to amend an act to raise an additional force to serve during the war;

And Mr. Orr having called the question, and the same being sustained,

Mr. Bradford, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Hale, and McRae.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Garland.

Kentucky—Yea: Mr. White. Nay: Messrs. Monroe and Ford.

Mississippi—Yea: Messrs. Orr, Bradford, and Campbell. Nay: Messrs. Harris and Harrison.

Missouri—Yea: Messrs. Clark, Vest, and Bell. Nay: Mr. Conrow.

North Carolina—Yea: Mr. Smith. Nay: Mr. Venable.

South-Carolina—Yea: Mr. Boyce.

Texas—Yea: Messrs. Waul and Oldham. Nay: Mr. Wigfall.

Virginia—Yea: Messrs. Tyler, Pryor, and Rives. Nay: Messrs. Seddon, Bocoek, and Boteler.

Yea: Mississippi, Missouri, South Carolina, and Texas, 4.

Nay: Alabama and Kentucky, 2.

Divided: Arkansas, North Carolina, and Virginia, 3.

Not voting: Florida, Georgia, Louisiana, and Tennessee, 4.

So the motion to amend was not agreed to.

Mr. Bradford, at the instance of the State of Mississippi, moved to reconsider the vote just taken.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

On motion of Mr. Bradford,

Congress then adjourned until 12 o'clock m. to-morrow.

### THIRTY-EIGHTH DAY—WEDNESDAY, JANUARY 8, 1862.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Harris of Mississippi, by general consent, moved that an additional member be added to the Committee on Military Affairs.

The motion was agreed to.

And the Chair announced on the committee Mr. Pryor of Virginia.

Mr. Harris of Mississippi, by general consent, was allowed to withdraw the copy of the report of General Johnston of the battle of Manassas, for the purpose of correcting the same.

Mr. Johnson of Arkansas offered two bills; which were read first and second times and referred to the Committee on Indian Affairs, to wit:

A bill making certain provisions in regard to Indian trust funds; and

A bill to provide for the organization of the Arkansas and Red River superintendency of Indian affairs, to regulate trade and intercourse with the Indians therein, and to preserve peace on the frontier; referred to the Committee on the Judiciary.

Mr. Venable offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the committee of arrangements be authorized to appoint a suitable person to accompany the remains of the Honorable John Hemphill to Austin, Texas.

Mr. Thomason presented the letter of G. C. Rosser; which was referred to the Committee on the Judiciary, without being read.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the motion of Mr. Bradford to reconsider the vote by which the amendment of Mr. Orr to the first section of a bill to raise an additional force to serve during the war was lost.

The motion to reconsider did not prevail.

Mr. Orr then moved to amend by inserting after the word "promotion" the words "except in case of disability or other incompetency."

The amendment was agreed to.

Mr. Seddon moved to amend by striking out the words "in the office of colonel or lieutenant-colonel, the same shall be filled by promotion, except in case of disability or other incompetency of the field



officers of the squadron, battalion, or regiment in which the same has occurred, and the vacancy or vacancies thereby caused," and by inserting in lieu thereof the word "same."

And by striking out the words:

and if any vacancy shall occur in the office of major, the same shall be filled by selection as aforesaid.

Mr. Campbell called the question; which was seconded, and

Mr. Venable, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon: which are as follows, to wit:

Alabama—Yea: Mr. Curry. Nay: Messrs. Hale and McRae.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson and Garland.

Kentucky—Yea: Mr. Monroe. Nay: Messrs. T. L. Burnett, White, and Ford.

Louisiana—Yea: Messrs. Perkins and Conrad.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Orr, Bradford, and Harrison.

Missouri—Yea: Messrs. Harris, Vest, and Freeman. Nay: Messrs. Clark and Conrow.

North Carolina—Nay: Messrs. Smith and Venable.

South Carolina—Nay: Mr. Boyce.

Texas—Yea: Messrs. Waul and Oldham. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Seddon, Russell, and Johnston. Nay: Messrs. Tyler, Macfarland, Pryor, Bocoek, Rives, and Boteler.

Yea: Louisiana, Missouri, and Texas, 3.

Nay: Alabama, Arkansas, Kentucky, Mississippi, North Carolina, South Carolina, and Virginia, 7.

Not voting: Florida, Georgia, and Tennessee, 3.

So the amendment was not agreed to.

Mr. Orr moved to amend by inserting after the word "company" the words "except in case of disability or other incompetency."

Mr. Hale moved to amend by adding the following proviso, to wit:

*Provided*, That the provisions of this act, so far as they relate to the promotion of company officers, shall not apply to the companies now in the service of the Confederate States, but such companies, respectively, be governed by the laws in force at the time they were mustered in reference to the filling of vacancies that have or may occur in company officers.

Mr. Waul moved as a substitute for the same the following, to wit:

*Provided*, That the provisions of this section shall only apply to volunteer forces who may be hereafter mustered into the service of the Confederate States.

And the vote having been taken thereon, the same was not agreed to.

The question then recurring upon the amendment offered by Mr. Hale, and the vote having been taken thereon, the same was not agreed to.

Mr. Harris of Missouri moved to amend as follows, to wit:

After "aforesaid," on tenth line, "and during the existence of the vacancy the officer filling the duties of the vacant office shall be entitled to the pay and allowances corresponding to the grade of the office."

The amendment was not agreed to.

Mr. Harris of Mississippi moved to amend by striking out the words "and the vacancy or vacancies caused thereby" and insert "except in the office of major."

Also, to strike out the word "appointment" and insert the word "selection;" which was agreed to.

Also, to strike out the words "said company" and insert in lieu thereof "the commissioned [officers] of a company," and by striking out the words "the vacancy or vacancies thereby caused" and inserting in lieu thereof "except that vacancies in the lowest rank of commissioned officers."

The amendment was agreed to.

By inserting after the word "by" the words "a majority vote of."

The amendment was agreed to.

Also, to amend by adding at the end of the section the following words: "and at such elections there shall be at least thirty-five votes cast, and a majority voting shall be necessary to a choice."

And upon which he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Curry and Hale.

Arkansas—Nay: Messrs. Johnson and Garland.

Kentucky—Nay: Messrs. Monroe and T. L. Burnett.

Mississippi—Yea: Mr. Orr. Nay: Messrs. Bradford and Harrison.

Missouri—Yea: Messrs. Harris and Conrow. Nay: Mr. Vest.

North Carolina—Nay: Messrs. Smith and Venable.

South Carolina—Nay: Mr. Boyce.

Texas—Yea: Messrs. Oldham and Ochiltree. Nay: Messrs. Wigfall and Waul.

Virginia—Nay: Messrs. Seddon, Tyler, Bocock, and Rives.

Yea: Missouri, 1.

Nay: Alabama, Arkansas, Kentucky, Mississippi, North Carolina, South Carolina, and Virginia, 7.

Divided: Texas, 1.

Not voting: Florida, Georgia, Louisiana, and Tennessee, 4.

So the amendment was not agreed to.

On motion of Mr. Pryor,

Congress then adjourned until 12 o'clock m. to-morrow.

### THIRTY-NINTH DAY—THURSDAY, JANUARY 9, 1862.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Bocock moved that the States be called for resolutions, memorials, etc.

Mr. Perkins moved to amend the motion of Mr. Bocock by moving that one hour each morning be set apart for the call of the States and committees.

The amendment was agreed to,

And the motion as amended was agreed to.

The Chair presented certain estimates of the Secretary of the Treasury; which were referred to the Committee on Finance.

Also, a report from the Quartermaster-General in reply to a resolution of inquiry from the Congress; which was referred to the Committee on Military Affairs, without being read.

Also, a communication from the Secretary of the Navy, presenting certain estimates; which were referred to the Committee on Finance, without being read.

Also, a message from the President; which, with the accompanying documents, was referred to the Committee on Military Affairs, and is as follows, to wit:

EXECUTIVE DEPARTMENT,  
Richmond, January 6, 1862.

*To the Confederate Congress:*

I herewith transmit from the War Department a copy of the official report of the battle on Alleghany Mountain on the 13th December.

I would invite special attention to the suggestions of the Secretary of War in his communication accompanying the report, with which I fully concur.

JEFFERSON DAVIS.

Also, a communication from the Secretary of the Navy; which was read and referred to the Committee on Naval Affairs.

Mr. Perkins of Louisiana presented the joint resolutions of the legislature of Louisiana, in relation to postal affairs, tariffs, census takers, and soldiers; which were read and referred to the several committees charged with the investigation of the subjects referred to.

Also, the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of the Treasury be requested to inform Congress, as nearly as he can and as early as possible, how much revenue the Government has collected from duties upon imports at different points on the seacoast of the Confederacy since the first day of July last, designating what amount of the duties thus collected has been from goods bonded before that date, and how much from goods imported since that date. Also, the amount of duties collected at the different points on the Mexican frontier. And that he be further requested to inform the Congress what has been the cost of said collection, including therein a statement of the salaries paid to officers and the expense of keeping up custom-houses.

Also, the following resolution; which was read and agreed to:"

Mr. Orr presented

A bill to provide for the protection of loyal citizens who have destroyed their property to prevent its capture by the enemy; which was read first and second times and referred to the Committee on the Judiciary.

Mr. Venable offered

A resolution instructing the Committee on Military Affairs to inquire into the propriety of further legislation in relation to habitual drunkenness among the officers of the Army, and its punishment; which was read and agreed to.

Mr. Waul offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Treasurer of the Confederate States be authorized to pay to James Hemphill, out of the contingent fund of Congress, on the proper auditing of the account, the amount of pay and mileage due the late John Hemphill, and take his receipt therefor.

Mr. Ochiltree presented the memorial of B. J. Sage; which was referred to the Committee on the Judiciary, without being read.

Mr. Seddon offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That hereafter during the present session the Congress will meet at eleven o'clock ante meridian.

Mr. Pryor, from the Committee on Military Affairs, reported back and recommended the passage of

A bill to provide for raising and organizing, in the State of Missouri, additional troops for the Provisional Army of the Confederate States.

Mr. Perkins moved to place the bill on the Calendar and print

The motion was not agreed to.

The bill was then engrossed, read third time, and passed.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Harris of Mississippi, from the Committee on Military Affairs, reported

A bill to prevent information of the plans and operations of the land and naval forces of the Confederate States being conveyed to the enemy;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Venable offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of the Confederate Congress be authorized to receive the sum of six hundred dollars out of the contingent fund of the same, to be paid to the chairman of the committee of arrangements, to defray the expense of transportation of the body of the Honorable John Hemphill to the city of Austin, in the State of Texas.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the first section of a bill to amend an act to raise an additional force to serve during the war;

When,

Mr. Rives moved to amend the same by striking out all after the word "regiment" and by inserting in lieu thereof the following, to wit:

With regard to all volunteers raised after the passage of this act, the field and company officers shall be chosen and appointed in the manner provided by the act entitled "An act providing for the granting of bounty and furloughs to privates and noncommissioned officers of the Provisional Army," approved on the eleventh day of December, eighteen hundred and sixty-one, and all vacancies occurring in said offices after the first election shall be filled by promotion according to grade and seniority, except in cases of disability or other incompetency: *Provided, however*, That the President be authorized to depart from the prescribed rule of promotion in favor of any person specially brought to his notice for extraordinary merit or some signal act of gallantry or military skill by the recommendation of his commanding general.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for raising and organizing, in the State of Missouri, additional troops for the Provisional Army of the Confederate States.

On motion of Mr. Stephens, the further consideration of the bill was postponed until 12 m. to-morrow.

Mr. Russell offered resolutions of thanks to Col. Edward Johnson, his officers and men, for services in the battle of Alleghany Mountain; which were read and unanimously agreed to.

Mr. Harris of Mississippi introduced



A bill making appropriations for certain floating defenses; which was read first and second times, engrossed, read a third time, and passed.

Mr. Harris of Missouri introduced

A bill to provide for the organization of a marine brigade; which was read first and second times and, on motion of Mr. McRae, was referred to the Committee on Naval Affairs.

Mr. Smith of Alabama moved to publish the report of the Secretary of War; the report of General Beauregard concerning the report of the battle of Manassas, except the first portion of the same and the President's indorsement; and all other reports of battles accompanying the report of the Secretary of War, except the report of General Bragg and a paragraph in the report of General Evans.

Mr. Harris moved to amend the motion by publishing the report of General Beauregard entire, and upon which Mr. Ochiltree, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Mr. Smith.

Arkansas—Yea: Mr. Garland.

Kentucky—Nay: Messrs. Monroe, T. L. Burnett, and Ford.

Louisiana—Nay: Messrs. Perkins and Conrad.

Mississippi—Yea: Messrs. Harris, Orr, Bradford, and Harrison.

Missouri—Yea: Messrs. Clark, Freeman, and Bell. Nay: Messrs. Harris, Conrow, and Vest.

North Carolina—Yea: Messrs. Smith and Venable.

South Carolina—Nay: Mr. Boyce.

Texas—Yea: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, and Russell. Nay: Messrs. Pryor, Bocoek, and Rives.

Yea: Alabama, Arkansas, Mississippi, North Carolina, and Texas, 5.

Nay: Kentucky, Louisiana, and South Carolina, 3.

Divided: Missouri and Virginia, 2.

Not voting: Florida, Georgia, and Tennessee, 3.

So the motion was lost.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations for certain floating defenses.

Mr. Orr called for a division of the question on the motion of Mr. Smith; which was agreed to.

And the question being upon publishing the report of the Secretary of War, the same was agreed to.

Mr. Perkins moved to reconsider the vote just taken.

The question then recurred upon publishing the report of General Johnston, and the vote having been taken thereon, the motion was agreed to.

Mr. Conrad moved to reconsider the vote just taken.

The question then recurred upon publishing the report of General Beauregard, with the exception of the first part of the same and the indorsement of the President;

When,

Mr. Ochiltree, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Smith. Nay: Messrs. Hale and McRae.

Arkansas—Yea: Mr. Garland.  
 Kentucky—Yea: Mr. Monroe. Nay: Messrs. Ford and T. L. Burnett.  
 Louisiana—Yea: Messrs. Perkins and Conrad.  
 Mississippi—Yea: Mr. Orr. Nay: Messrs. Harris, Bradford, and Harrison.  
 Missouri—Yea: Messrs. Harris, Conrow, Vest, and Bell. Nay: Messrs. Clark and Freeman.  
 North Carolina—Yea: Mr. Smith. Nay: Mr. Venable.  
 South Carolina—Yea: Mr. Boyce.  
 Texas—Yea: Mr. Waul. Nay: Mr. Ochiltree.  
 Virginia—Yea: Messrs. Macfarland, Pryor, Bocock, and Rives.  
 Nay: Messrs. Seddon and Russell.  
 Yea: Arkansas, Louisiana, Missouri, South Carolina, and Virginia, 5.  
 Nay: Alabama, Kentucky, and Mississippi, 3.  
 Divided: North Carolina and Texas, 2.  
 Not voting: Florida, Georgia, and Tennessee, 3.  
 So the motion was not agreed to.  
 On motion of Mr. Harris of Missouri,  
 Congress then adjourned until 11 o'clock to-morrow.

## EXECUTIVE SESSION.

Congress being in executive session,  
 The Chair laid before Congress the following communication from the President:

RICHMOND, *January 9, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

## THIRTEENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

B. D. Fry, of Alabama, to take rank from July 19, 1861.

*Lieutenant-colonel.*

S. B. Marks, of Alabama, to take rank from November 27, 1861.

*Major.*

R. H. Dawson, of Alabama, to take rank from November 27, 1861.

## SECOND ARKANSAS REGIMENT, PROVISIONAL ARMY.

*Colonel.*

J. W. Scaife, of Arkansas, to rank from November 23, 1861.

*Lieutenant-colonel.*

Daniel C. Govan, of Arkansas, to rank from November 23, 1861.

*Major.*

Reuben F. Harvey, of Arkansas, to rank from November 23, 1861.

THIRD KENTUCKY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

A. P. Thompson, of Kentucky, to rank from October 18, 1861.

*Lieutenant-colonel.*

Ben. Anderson, of Kentucky, to rank from October 18, 1861.

*Major.*

Alfred Johnston, of Kentucky, to rank from October 18, 1861.

FIRST KENTUCKY CAVALRY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Ben. Hardin Helm, of Kentucky, to rank from October 5, 1861.

*Lieutenant-colonel.*

Thomas G. Woodward, of Kentucky, to rank from November 1, 1861.

*Major.*

N. R. Chambliss, of Tennessee, to rank from December 12, 1861.

SIXTH KENTUCKY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Joseph H. Lewis, of Kentucky, to rank from November 1, 1861.

*Lieutenant-colonel.*

Martin H. Cofer, of Kentucky, to rank from November 1, 1861.

*Major.*

Thomas H. Hays, of Kentucky, to rank from November 1, 1861.

FIRST LOUISIANA INFANTRY REGIMENT, PROVISIONAL ARMY (ENLISTED).

*Captain.*

Edward C. Preston, of Louisiana, to take rank from December 18, 1861.

*First lieutenant.*

L. N. Olivier, of Louisiana, to take rank from December 18, 1861.

*Second lieutenant.*

Joseph T. Garner, of Louisiana, to take rank from December 21, 1861.

TWENTY-SEVENTH MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Thomas M. Jones, of Mississippi, to rank from confirmation.

SEVENTH ALABAMA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

A. Baker, of Alabama, to take rank from confirmation.

## FIRST KENTUCKY CAVALRY BATTALION, PROVISIONAL ARMY.

*Major.*

John Shawhan, of Kentucky, to take rank from December 24, 1861.

## FIRST NORTH CAROLINA BATTALION, PROVISIONAL ARMY.

*Major.*

E. C. Brabble, of North Carolina, to take rank from November 29, 1861.

## EIGHTH ALABAMA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

F. B. Shepherd, of Alabama, to rank from December 2, 1861.

*Brigade commissaries, with rank of major.*

W. H. Thomas, of Virginia; E. Yulee, of Florida; John C. Haskell, of ———; Allan B. Magruder, of Virginia; J. A. Sadler, of North Carolina.

*Assistant commissaries, with rank of captain.*

A. Kinney, of Virginia; J. B. Sanders, of Mississippi; John H. Fallin, of Virginia; James Wade, of Virginia; William B. Warwick, of Virginia; Philip Vacaro, of Kentucky; Richard Fancher, of Tennessee; Horace A. Parish, of Tennessee; John A. Galbraith, of Mississippi; Samuel R. Bachman, of Tennessee; William Ruffin, of Mississippi; E. A. McKenney, of Texas.

*Brigade quartermasters, with rank of major.*

F. D. Cleary, of Virginia; J. B. McClelland, of Virginia; Alfred Boyd, of Kentucky; Moses B. George, of Texas; Isaac Brinker, of Virginia.

*Assistant quartermasters, with rank of captain.*

N. J. Thomas, of Virginia; L. N. Webb, of Virginia; W. E. Paxton, of Mississippi; John C. Peay, of Arkansas; John L. Briscoe, of Mississippi; A. Elhart, of Virginia; Taliaferro Hunter, of Virginia; George Johnston, of Louisiana; Mason Morfit, of ———; John A. Hanmer, of Tennessee; James Rogers, of Georgia; D. C. Spurlock, of Tennessee; Wilton L. Young, of Alabama; R. G. H. Kean, of Virginia; A. J. Hawthorn, of Arkansas; J. H. Pope, of Alabama; C. W. Styron, of North Carolina; T. S. Jones, of District of Columbia; A. M. Garber, of Virginia; F. A. Malone, of Mississippi; James W. Bradford, of Arkansas; J. L. Frensey, of North Carolina.

*Chaplains.*

W. S. Payne, of Tennessee; W. G. Joyce, of Texas; F. McCarthy, of Virginia; Robert Hardie, of Georgia; John A. Fife, of Mississippi; T. G. Bosley, of Kentucky; J. H. Crawford, of Virginia; A. R. Winfield, of Arkansas; David P. Ritchie, of Tennessee; Alexander McBryde, of Mississippi; A. B. Campbell, of Georgia; G. W. Featherstone, of Tennessee; John N. Zively, of Texas; Willis Hall, of Georgia; Wiley Burgess, of Alabama; J. J. Harris, of Tennessee; Thompson L. Smith, of Virginia; Andrew J. Witherspoon, of Alabama.

*Adjutants, with the rank of first lieutenant.*

H. A. Wise, of Virginia, to take rank from August 13, 1861; C. Marshall Barton, of Virginia, to take rank from December 18, 1861; J. P. Harris, of Mississippi, to take rank from December 12, 1861; James A. Harden, of Virginia, to take rank from November 9, 1861; H. A. Whiting, of Alabama, to take rank from December 31, 1861; C. Wertenbaker, of Virginia, to take rank from December 31, 1861; Addison Taliaferro, of Georgia, to take rank from December 9, 1861; Noyes Rand, of Virginia, to take rank from October 7, 1861; Job Routh, of Mississippi, to take rank from December 29, 1861; Stewart W. Cayce, of Alabama, to take rank from September 16, 1861.



*Assistant adjutants-general, with rank of captain.*

W. B. Tabb, of Virginia, to take rank from August 6, 1861; R. W. Memminger, of South Carolina, to take rank from December 24, 1861; Fayette Hewitt, of Arkansas, to take rank from December 28, 1861; Benj. Huger, jr., of South Carolina, to take rank from January 6, 1862.

*Aids-de-camp, with the rank of first lieutenant.*

W. Bacon, of Virginia, to take rank from August 18, 1861; E. P. Barbour, of Kentucky, to take rank from December 4, 1861; Chiswell Dabney, of Virginia, to take rank from December 20, 1861; Thomas T. Hawkins, of Kentucky, to take rank from November 11, 1861; Thomas J. Goree, of Texas, to take rank from December 31, 1861.

*Brigadier-generals.*

Henry Heth, of Virginia, to take rank from January 6, 1862; Johnson K. Duncan, of Louisiana, to take rank from January 7, 1862; S. A. M. Wood, of Alabama, to take rank from January 7, 1862.

The nominations were referred to the Committee on Military Affairs, and finally confirmed.

Mr. Hale, from the Committee on Military Affairs, to which had been referred the nomination of James T. [John G. ?] Walker, as brigadier-general, reported the same back, with the recommendation that Congress advise and consent to the same: which was agreed to, and the nomination was confirmed.

Congress then resumed legislative session.

## FORTIETH DAY—FRIDAY, JANUARY 10, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session.

Mr. Russell moved to reconsider the vote on the passage of resolutions of thanks to Col. Edward Johnson, his officers and men, for services in the battle of Alleghany Mountain.

The motion was agreed to.

And the resolutions were then read first and second times, engrossed, read third time, and passed unanimously.

Mr. Smith of Alabama moved that a bill on the Calendar, providing for the manufacture of gunpowder, small arms, etc., be made the special order for Monday next, at 12 o'clock m.

The motion was agreed to.

Mr. Harris of Mississippi moved that a bill on the Calendar to amend an act to sequester the property, estates, etc., of alien enemies be made the special order for Tuesday next, at 12 o'clock m.

The motion was agreed to.

Mr. Russell introduced

A bill to repeal an act approved May 25, 1861, to declare and establish the free navigation of the Mississippi River; which was read first and second times and referred to the Committee on Commerce.

Mr. Johnson of Arkansas, from the Committee on Indian Affairs, reported back

A bill making certain provisions in regard to Indian trust funds.

And the first section of the same being under consideration, which refers to the payment of moneys by the Secretary of War to the commissioners,

Mr. Johnson, at the instance of the committee, moved to amend the same by striking out the words "at the request of the Commissioner of Indian Affairs."

The amendment was agreed to.

And the bill as amended was engrossed, read third time, and passed.

Mr. McRae, from the Committee on Finance, reported and recommended the passage of

A bill appropriating \$14,850,000 for the use of the War Department;

which was read first and second times, engrossed, read a third time, and passed.

Also, a bill appropriating \$223,607 for the naval service; which was read first and second times, engrossed, read third time, and passed.

Mr. Perkins offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President be requested to communicate to Congress copies of all such correspondence from our commissioners abroad as, in his opinion, may not be incompatible with the public interest.

Mr. Hale introduced

A bill to provide for the organization of troops into brigades, and the appointment of brigadier-generals; which was read first and second times and referred to the Committee on Military Affairs.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the motion of Mr. Smith to publish the reports of the various battles accompanying the report of the Secretary of War.

And the question being upon publishing the report of General Floyd of the battle of Carnifax, the vote was taken, and the report ordered to be published.

The question then recurred upon publishing the report of General McCulloch of the battle of Oak Hill, and the vote having been taken, the report was ordered to be published.

The question then recurred upon publishing the report of General Jackson of the battle of Greenbrier, and the vote having been taken, the same was ordered to be published.

The question then recurred upon publishing the report of General Evans of the battle of Leesburg;

When,

Mr. Boyce moved to amend the motion to publish the report by moving to publish all of the same, except the following paragraph, to wit:

At about 2 o'clock p. m. I sent a messenger to Brig. Gen. R. L. Wright to bring his militia force to my assistance at Fort Evans. He reported to me in person that he was unable to get his men to turn out, though there were a great number in town, and arms and ammunition were offered them.

And upon which Mr. Waul, at the instance of the State of Texas,

demanding that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Smith. Nay: Messrs. Curry, Hale, and McRae.

Arkansas—Nay: Messrs. Johnson, Thomason, and Garland.

Georgia—Yea: Mr. Stephens.

Kentucky—Nay: Messrs. Monroe and T. L. Burnett.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Harris and Brooke. Nay: Messrs. Orr, Bradford, Harrison and Campbell.

Missouri—Yea: Messrs. Harris, Conrow, Vest, Freeman, and Bell. Nay: Messrs. Clark and Cooke.

North Carolina—Nay: Messrs. Avery and Venable.

Tennessee—Yea: Messrs. House and Thomas.

Texas—Yea: Mr. Waul. Nay: Messrs. Oldham and Ochiltree.

Virginia—Yea: Messrs. Seddon, Tyler, and Boteler. Nay: Messrs. Pryor and Russell.

Yea: Georgia, Louisiana, Missouri, Tennessee, and Virginia, 5.

Nay: Alabama, Arkansas, Kentucky, Mississippi, North Carolina, and Texas, 6.

Not voting: Florida and South Carolina, 2.

So the motion to amend was not agreed to.

And the question recurring upon publishing the report, and the vote having been taken thereon, the same was ordered to be published.

Mr. Perkins moved to reconsider the vote on the amendment offered by Mr. Boyce.

The question then recurred upon publishing the report of Colonel Stuart of the battle of Lewinsville, and the vote being taken, the same was ordered to be published.

The question then recurred upon publishing the report of Colonel Williams of the battle of Piketon, and the vote being taken, the same was ordered to be published.

Mr. Harris of Mississippi moved to agree to the report of the Committee on Military Affairs withholding from publication the report of General Bragg of the bombardment at Pensacola.

The motion was agreed to.

Mr. Monroe moved to reconsider the vote just taken.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

Resolutions of thanks to Col. Edward Johnson, his officers and men, for services in the battle of Alleghany Mountain.

The hour of 12 m. having arrived, Congress proceeded to the consideration of the special order of the day, which was the consideration of the amendment offered by Mr. Rives to the first section of a bill to amend an act to raise an additional force to serve during the war; which, by unanimous consent, he was allowed to modify by prefixing to the same the following words, to wit:

Where vacancies occur in any squadron, battalion, or regiment organized heretofore by the President under the provisions of said act, or hereafter to be organized by him under the same or this amendatory of said act.

EXECUTIVE DEPARTMENT,

*Richmond, January 10, 1862.*

*Mr. President:* The President on yesterday approved and signed

An act making appropriations for certain floating defenses.

ROBERT JOSSELYN,

*Private Secretary.*

EXECUTIVE DEPARTMENT,  
Richmond, January 10, 1862.

*Mr. President:* The President has this day approved and signed Resolutions of thanks to Col. Edward Johnson, his officers and men, for services in the battle of Alleghany Mountain.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making certain provisions in regard to Indian trust funds.

Mr. Stephens moved to amend by adding at the end of the section the following proviso, to wit:

*Provided,* That the provisions of this section shall apply only to such squadrons, battalions, and regiments as have been or may be organized out of single and detached companies tendered to the President, and not to those corps tendered in organized squadrons, battalions, or regiments raised by men who were expected by the companies to command them as field officers.

Mr. Harris of Mississippi moved to reconsider the vote on the passage of

A bill to provide for raising and organizing in the State of Missouri additional troops for the Provisional Army of the Confederate States.

The question then recurred upon agreeing to the amendment of Mr. Stephens, and the vote having been taken thereon, the same was agreed to.

The question then recurring upon agreeing to the amendment of Mr. Rives as modified,

Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, and McRae. Nay: Mr. Hale.

Arkansas—Yea: Messrs. Thomason and Garland. Nay: Mr. Johnson.

Kentucky—Yea: Messrs. Monroe, Thomas, White, and Ford.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Orr, Bradford, and Campbell. Nay: Messrs. Harris, Brooke, and Harrison.

Missouri—Yea: Messrs. Clark, Cooke, Vest, and Bell. Nay: Messrs. Harris and Conrow.

North Carolina—Yea: Messrs. Smith and Morehead. Nay: Mr. Venable.

South Carolina—Yea: Mr. Boyce.

Tennessee—Yea: Messrs. Jones and De Witt. Nay: Mr. Thomas.

Texas—Yea: Messrs. Waul and Oldham. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Macfarland, Pryor, Rives, and Boteler. Nay: Messrs. Seddon, Tyler, and Bocoek.

Yea: Alabama, Arkansas, Kentucky, Louisiana, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

Divided: Mississippi, 1.

Not voting: Florida and Georgia, 2.

So the amendment was agreed to.

And the section as amended reads as follows, to wit:

SECTION 1. *The Congress of the Confederate States of America do enact,* That the second section of said act shall read as follows, to wit: That the volunteers so offering their services may be accepted by the President in companies, to be organized by him into squadrons, battalions, or regiments. Where vacancies occur in any squadron, bat-



tion, or regiment organized heretofore by the President under the provisions of said act, or hereafter to be organized by him under the same or this amendatory of said act, as well as to all volunteers raised after the passage of this act, the field and company officers shall be chosen and appointed in the manner provided by the act entitled "An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army," approved on the eleventh day of December, eighteen hundred and sixty-one, and all vacancies occurring in the said offices after the first election shall be filled by promotion according to grade and seniority, except in cases of disability or other incompetency: *Provided, however,* That the President be authorized to depart from the prescribed rule of promotion in favor of any person specially brought to his notice for extraordinary merit or some signal act of gallantry or military skill by the recommendation of his commanding general: *Provided,* That the provisions of this section shall apply only to such squadrons, battalions, and regiments as have been or may be organized out of single and detached companies tendered to the President, and not to those corps tendered in organized squadrons, battalions, or regiments raised by men who were expected by the companies to command them as field officers.

Mr. Johnson of Arkansas moved to reconsider the vote just taken.

Mr. Waul moved that the House do now adjourn.

The motion was lost.

Mr. Johnson of Arkansas withdrew his motion to reconsider.

Mr. Orr renewed the motion to reconsider, and called the question; which was seconded, and the vote having been taken thereon, the motion did not prevail.

Mr. Harris of Mississippi moved to postpone the further consideration of the bill for the purpose of taking up

A bill to regulate the mode of filling vacancies of field officers in certain volunteer regiments and battalions.

On motion of Mr. Hale,

Congress then adjourned until 11 o'clock a. m. to-morrow.

## FORTY-FIRST DAY—SATURDAY, JANUARY 11, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Monroe announced the presence of George B. Hodge, a Delegate-elect from the State of Kentucky, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act appropriating \$14,850,000 for the military service; and

An act appropriating \$223,607 for the naval service.

Mr. House offered the following resolution; which was read and agreed to, to wit:

*Resolved,* That the President cause to be communicated to Congress the several localities in the Confederate States where pork and beef are being packed for the Government, and where flour and other provisions have been purchased or are being purchased and collected for the use of the Army, and the names of the agents employed for the purpose of purchasing and preparing said provisions, specifying the localities where each agent is employed and what instructions have been given said agents as to the prices to be paid for the same.

Also, the following resolution; which was read and agreed to, to wit:

Whereas abuses are alleged to exist in the Commissary Department in the matter of purchasing provisions for the Army, which abuses should, in justice to the Government and the citizens of the Confederate States, be thoroughly investigated, and the fraud, corruption, or inefficiency of the parties guilty of the same exposed and punished, and said parties be made liable upon their bonds for all damages occasioned by their misconduct in the premises.

*Resolved*, That a special committee, to consist of one member from each State, be appointed by the President of Congress, whose duty it shall be to inquire into the best mode of investigating and exposing said abuses, and that they report as speedily as practicable, by bill or otherwise.

The Chair announced the following as the committee under the foregoing resolution, to wit:

Messrs. House of Tennessee; Smith, Alabama; Thomason, Arkansas; Ward, Florida; Crawford, Georgia; Perkins, Louisiana; Harrison, Mississippi; Bell, Missouri; Davis, North Carolina; Boyce, South Carolina; Waul, Texas; Russell, Virginia; and Hodge, Kentucky.

Mr. Jones of Tennessee presented a memorial; which was referred to the Committee on Postal Affairs, without being read.

Mr. Pryor presented the petition of Francis F. Farley: which was referred to the Committee on Claims, without being read.

Mr. Monroe offered

A resolution instructing the Committee on the Judiciary what legislation is necessary to provide clerks, a hall, and other things for the board of commissioners appointed under the sequestration act; which was read and agreed to.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the motion of Mr. Perkins to reconsider the vote by which the House ordered the report of the Secretary of War to be published.

On motion, the consideration of the same was postponed for the present;

And Congress proceeded to the consideration of the motion of Mr. Conrad, to reconsider the vote by which the House ordered the report of General Johnston of the battle of Manassas to be published.

The motion to reconsider did not prevail.

Mr. Seddon moved to reconsider the vote by which the House refused to publish the report of General Beauregard of the battle of Manassas.

The motion prevailed.

The question then recurred upon the motion of Mr. Smith of Alabama, which, by unanimous consent, he was allowed to modify, and which is as follows, to wit:

*Resolved*, That the report of General Beauregard of the battle of the twenty-first of July, eighteen hundred and sixty-one, beginning at the words "The War Department having been informed by me," etc., on the third page of the manuscript read to this House be published.

Mr. Russell moved as a substitute for the same the following, to wit:

Whereas General Beauregard introduces his report of the battle of Manassas by describing a plan of operations, which was commended by the President, but not deemed practicable at the time; and

Whereas it may hereafter be found expedient to carry into effect similar operations, and therefore it is not judicious to disclose the said plan at present;

*Be it resolved*, That so much of said report and the papers thereto appended as relate to said plan be for the present withheld from publication and that the residue of said report and this resolution be published.

The substitute was not agreed to.

Mr. Pryor moved as a substitute for the same the following, to wit:

*Resolved*, That the report of General Beauregard of the battle of the twenty-first of July, eighteen hundred and sixty-one, read to this House, with the indorsement of the President and the letters of Colonel Chesnut, be published.

Mr. Smith of Alabama called the question; which was seconded, and

Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. McRae. Nay: Messrs. Smith and Hale.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Georgia—Nay: Mr. Stephens.

Kentucky—Nay: Messrs. Monroe and Ford.

Louisiana—Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Bradford, and Campbell. Nay: Mr. Harrison.

Missouri—Yea: Messrs. Clark and Bell. Nay: Messrs. Cooke, Harris, Conrow, and Vest.

North Carolina—Yea: Messrs. Avery, Smith, and Venable. Nay: Mr. Davis.

South Carolina—Nay: Messrs. Memminger and Boyce.

Tennessee—Nay: Messrs. House, Jones, De Witt, and Thomas.

Texas—Yea: Mr. Waul. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Pryor, Rives, Russell, and Johnston. Nay: Messrs. Seddon, Hunter, Tyler, Macfarland, Bocoek, and Boteler.

Yea: Arkansas, Mississippi, and North Carolina, 3.

Nay: Alabama, Georgia, Kentucky, Louisiana, Missouri, South Carolina, Tennessee, and Virginia, 8.

Divided: Texas, 1.

Not voting: Florida, 1.

So the substitute was not agreed to.

Mr. Harris of Missouri moved as a substitute the following, to wit:

*Resolved*, That so much of the official report of General Beauregard of the battle of the twenty-first of July, eighteen hundred and sixty-one, as has been read to this House be published.

The substitute was not agreed to.

And the question recurring upon the motion of Mr. Smith as modified,

Mr. Venable, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith and Hale. Nay: Mr. McRae.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Georgia—Yea: Mr. Stephens.

Kentucky—Yea: Messrs. Monroe and Ford.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Brooke, Orr, Harrison, and Campbell. Nay: Messrs. Harris and Bradford.

Missouri—Yea: Messrs. Cooke, Harris, Conrow, Vest, and Bell. Nay: Mr. Clark.

North Carolina—Yea: Messrs. Davis and Smith. Nay: Messrs. Avery and Venable.

South Carolina—Yea: Messrs. Memminger and Boyce.

Tennessee—Yea: Messrs. House, Jones, De Witt, and Thomas.

Texas—Yea: Messrs. Waul and Oldham.

Virginia—Yea: Messrs. Seddon, Hunter, Tyler, Macfarland, Boccock, Rives, and Boteler. Nay: Messrs. Pryor and Russell.

Yea: Alabama, Georgia, Kentucky, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, Texas, and Virginia, 10.

Nay: Arkansas, 1.

Divided: North Carolina, 1.

Not voting: Florida, 1.

So the motion was agreed to.

Mr. Avery offered the following resolution:

*Resolved*, That in printing the report of General Beauregard the clerk be directed to have it indicated by asterisks that a portion of said report is omitted.

Mr. Smith of Alabama moved to lay the same on the table.

The motion was agreed to.

Congress then proceeded to the consideration of the motion of Mr. Perkins, to reconsider the vote by which the House refused to agree to the amendment of Mr. Boyce to the motion to publish the report of General Evans of the battle of Leesburg.

The motion prevailed.

Mr. Boccock moved to reconsider the vote by which the House ordered the report to be published.

The motion prevailed.

The question then recurred upon the amendment of Mr. Boyce, and the vote being taken, the same was agreed to.

And the question recurring upon ordering the report to be published as amended, the same was agreed to.

Congress then proceeded to the consideration of the motion of Mr. Monroe, to reconsider the vote by which the House concurred in the report of the Committee on Military Affairs in relation to the report of General Bragg of the bombardment at Pensacola.

The motion prevailed.

Mr. Monroe moved to recommit the report to the Committee on Military Affairs, with instructions to report what portions of the same might be published without detriment to the public interest.

The motion was agreed to.

Congress then proceeded to the consideration of the motion of Mr. Perkins, to reconsider the vote by which the House ordered the report of the Secretary of War to be published.

The motion prevailed.

Mr. Perkins moved to recommit the same to the Committee on Military Affairs, with instructions to report what portions of the same may be published without detriment to the public interest.

The motion was agreed to.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President on yesterday approved and signed

An act making certain provisions in regard to Indian trust funds.

Mr. Curry introduced

A bill to amend an act to collect for distribution the money remaining in the several post-offices of the Confederate States at the time the postal service was taken in charge by said Government, approved August 30, 1861;



which was read first and second times, engrossed, read third time, and passed.

Mr. Macfarland introduced

A bill to grant to the captors the proceeds of certain prizes; which was read first and second times and referred to the Committee on Naval Affairs.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act appropriating \$223,607 for the naval service; also

An act appropriating \$14,850,000 for the military service.

Congress then proceeded to the consideration of the motion of Mr. Harris of Mississippi, to reconsider the vote on the passage of

A bill providing for the raising and organizing of additional troops, in the State of Missouri, to serve in the Provisional Army of the Confederate States.

And upon which Mr. Conrow, at the instance of the State of Missouri, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Hale, and McRae. Nay: Mr. Smith.

Arkansas—Yea: Mr. Johnson. Nay: Messrs. Thomason, Garland, and Watkins.

Georgia—Nay: Mr. Stephens.

Kentucky—Yea: Mr. Monroe. Nay: Mr. Ford.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Harrison, and Campbell. Nay: Mr. Bradford.

Missouri—Yea: Mr. Harris. Nay: Messrs. Clark, Cooke, Conrow, Vest, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, and Venable. Nay: Messrs. Smith and Morehead.

South Carolina—Yea: Mr. Boyce.

Tennessee—Yea: Messrs. Jones and Thomas. Nay: Messrs. House and De Witt.

Texas—Yea: Messrs. Wigfall, Reagan, Oldham, and Ochiltree. Nay: Mr. Waul.

Virginia—Yea: Messrs. Seddon and Tyler. Nay: Messrs. Macfarland, Pryor, Boccock, Rives, Boteler, and Russell.

Yea: Alabama, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, 6.

Nay: Arkansas, Georgia, Missouri, and Virginia, 4.

Divided: Kentucky and Tennessee, 2.

Not voting: Florida, 1.

So the motion did not prevail.

The Chair presented certain estimates from the Secretary of War; which were referred to the Committee on Finance, without being read.

Mr. Johnson of Arkansas moved that the daily sessions of Congress hereafter be held at 12 o'clock m., upon which

Mr. Curry, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Hale, and McRae.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Georgia—Yea: Mr. Stephens.

Kentucky—Yea: Mr. Monroe.

Louisiana—Nay: Mr. Perkins.

Mississippi—Yea: Mr. Bradford. Nay: Messrs. Harris, Orr, Harrison, and Campbell.

Missouri—Yea: Messrs. Cooke, Harris, Vest, and Freeman. Nay: Mr. Conrow.

North Carolina—Yea: Messrs. Avery and Venable. Nay: Messrs. Davis, Smith, and Morehead.

Tennessee—Yea: Messrs. Jones and Thomas.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree. Nay: Mr. Wigfall.

Virginia—Yea: Messrs. Tyler, Macfarland, Rives, and Russell. Nay: Mr. Seddon.

Yea: Arkansas, Georgia, Kentucky, Missouri, Tennessee, Texas, and Virginia, 7.

Nay: Alabama, Louisiana, Mississippi, and North Carolina, 4.

Not voting: Florida and South Carolina, 2.

So the motion prevailed.

Mr. Harris of Mississippi offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the reports of the various battles ordered to be printed and published be placed in charge of the Committee on Military Affairs, and that they instruct the Superintendent of Public Printing in relation thereto.

Mr. Waul offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That R. H. Wynne, Doorkeeper of the Congress, be authorized to receive from the contingent fund of the Congress one hundred and seventy-one and twelve one-hundredths dollars to pay expenses incurred by him in the funeral ceremonies of John Hemphill, deceased member of Congress from the State of Texas.

On motion of Mr. Harris of Mississippi,

Congress then adjourned until 12 m. Monday.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before the Congress the following message of the President:

RICHMOND, VA., *January 11, 1862.*

*To the Congress of the Confederate States:*

On the list of nominations sent December 24, 1861, Charles G. Fontaine was nominated as a captain in the Adjutant-General's Department. I desire to recall this nomination and substitute in its place the name of Charles D. Fontaine, whom I nominate as captain in the Adjutant-General's Department, an error in the middle name of Mr. Fontaine having been made in the former nomination.

JEFF'N DAVIS.

On motion of Mr. Harris, the nomination of Charles D. Fontaine, as captain in the Adjutant-General's Department, was confirmed.

The following communication was received from the President:

RICHMOND, VA., *January 9, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

## THIRTEENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

B. D. Fry, of Alabama, to rank from July 19, 1861.

*Lieutenant-colonel.*

S. B. Marks, of Alabama, to rank from November 27, 1861.

*Major.*

R. H. Dawson, of Alabama, to rank from November 27, 1861.

## SECOND ARKANSAS REGIMENT, PROVISIONAL ARMY.

*Colonel.*

J. W. Scaife, of Arkansas, to rank from November 23, 1861.

*Lieutenant-colonel.*

Daniel C. Govan, of Arkansas, to rank from November 23, 1861.

*Major.*

Reuben F. Harvey, of Arkansas, to rank from November 23, 1861.

which were referred to the Committee on Military Affairs.

On motion, the executive session was dissolved.

## FORTY-SECOND DAY—MONDAY, JANUARY 13, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. T. R. R. Cobb presented joint resolutions of the legislature of the State of Georgia; which were referred to the committees having charge of the several subjects to which they referred, without being read.

Mr. Harris of Mississippi introduced

A bill to amend the Constitution of the Provisional Government of the Confederate States;

which was read first and second times and, on motion of Mr. Monroe, was ordered to be printed and referred to the Committee on the Judiciary.

Mr. T. R. R. Cobb introduced

A bill to authorize the appointment of an Assistant Secretary of State, an Assistant Secretary of the Treasury, and an Assistant Secretary of War;

which was read first and second times and referred to the Committee on the Executive Departments.

Mr. House offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President be requested to communicate to Congress by what authority and under what law citizens of Tennessee are imprisoned at Tuscaloosa or other points in the State of Alabama, and whether said prisoners or any portion of them have been transported beyond the limits of their own State without a trial, and whether in any instance the writ of habeas corpus has been suspended.

Mr. Seddon introduced the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Doorkeeper purchase and furnish the members with stationery, as far as may be needed, provided that the amounts so expended do not exceed five hundred dollars.

Mr. Pryor offered the following resolution; which was read and laid on the table, to wit:

That a committee of five be appointed to publish an address from Congress to the Army to the end of encouraging reenlistment.

Mr. Rives introduced

A bill explanatory of the appropriation for removal of the seat of government;

which was read first and second times and, on motion of Mr. Ochiltree, was referred to the Committee on the Judiciary.

Mr. Boteler presented the petition of Captain Shands and others; which was referred to the Committee on Military Affairs, without being read.

Mr. Conrad presented the memorial of Lieut. Charles R. Burton; which was referred to the Committee on Claims, without being read.

Mr. Hodge presented two resolutions of the legislative council of Kentucky; which were read and referred respectively to the Committees on the Judiciary and on Finance.

Mr. Campbell, from the Committee on Territories, to whom was recommended

A bill to organize the Territory of Arizona, reported the same back, with a recommendation that the same pass with amendment.

And the bill having been taken up, Mr. Campbell, from the Committee on Territories, moved to amend by striking out the proviso in the twenty-fourth line in first section, commencing with the word "*Provided*" and ending with the word "therein" in twenty-eighth line of said section.

The amendment was agreed to.

Also, in the twenty-eighth line to strike out the words "that in the meantime."

The amendment was agreed to.

Also, to strike out last word "and" in twenty-first line, second page.

The amendment was agreed to.

Also, in last line of third page strike out commencing with the word "because" and ending in third line of fourth page with the word "governor," inclusive.

Also, in twenty-fifth line, fourth page, after the word "States," insert the following words, to wit: "not being a citizen of said Territory."

The amendment was agreed to.

Also, in eleventh line, fifth page, strike out "three" and insert "six."



The amendment was agreed to.

Also, in fifth line, sixth page, strike out "under" and insert "in the military service of."

The amendment was agreed to.

Also, in twelfth line, eighth page, strike out "quarter annually" and insert "quarterly."

The amendment was agreed to.

Also, in sixth line from bottom of eighth page strike out the words "of the laws now in force therein."

The amendment was agreed to.

Also, in sixteenth line, page 9, strike out "quarter yearly" and insert "quarterly."

The amendment was agreed to.

Also, strike out first word ninth page and insert "before."

The amendment was agreed to.

Also, to strike out the fifteenth section.

The amendment was agreed to.

Mr. Ochiltree moved to amend the twelfth section by inserting after twenty-first line the words:

The salary of the Secretary of the Territory shall be the sum of twelve hundred dollars per annum, payable quarterly.

The amendment was agreed to.

Mr. Thomason moved to amend by striking out the last section.

The amendment was agreed to.

The bill was then engrossed, read third time, and passed.

Mr. Venable, from the Committee on Naval Affairs, reported

A bill supplementary to an act making appropriations for certain floating defenses, approved January 9, 1862; which was read first and second times, engrossed, read third time, and passed.

Mr. Harris of Missouri introduced

A bill to provide for raising and organizing, in the State of Missouri, additional forces for the Provisional Army of the Confederate States; which was read first and second times, engrossed, read third time, and passed.

The hour of 1 o'clock p. m. having arrived, Mr. Harris of Mississippi moved to postpone the special order of the day, for the purpose of taking up

A bill to regulate the mode of filling vacancies in field officers in certain volunteer regiments and battalions.

Mr. Orr moved to amend the motion by moving to take up

A bill to amend an act to raise an additional military force to serve during the war.

Mr. Waul called for a division of the question; which was agreed to.

And the question being upon postponing the special order of the day, the vote was taken, and the motion was not agreed to.

Congress proceeded to the consideration of the special order of the day, to wit:

A bill to encourage the manufacture of small arms, of saltpeter, and of gunpowder within the Confederate States.

The first section having been read, as follows:

SECTION 1. *The Congress of the Confederate States do enact*, That every person who shall propose to establish, put in operation, and carry on a manufactory of small arms within the Confederate States, for making small arms suitable for the Army of

the Confederate States; and every person who shall propose to establish, put in operation, and carry on a manufactory of gunpowder within the Confederate States, suitable as ammunition for the Army of the Confederate States; and every person who shall propose to establish, put in operation, and carry on a manufactory of saltpeter within the Confederate States, who shall submit to the Secretary of War his proposal or proposals in one or more of these respects, with a statement of the amount proposed by him to be so invested in said undertaking or undertakings, and of the extent and plan of his undertakings; and who shall produce satisfactory evidence to the Secretary of War that he has actually expended in the prosecution of the proposed work one-fourth of the capital proposed to be invested therein, shall be entitled to receive, as an advance from the Treasury, a sum equal to fifty per cent on the amount proposed by him to be so invested; to be repaid, without interest, to the Confederate States from the first merchantable article manufactured, at such price as shall be agreed upon and stipulated for before or at the time of such advance, by the Secretary of War and the other contracting party, said price to be such as shall be sufficient to afford the manufacturer a liberal profit upon the probable cost of production: *Provided, however,* That no such advance shall be made until the party applying therefor shall enter into bond and security, to be approved by the Secretary of War or by some one appointed by him to take and approve said bond. Said bond to be in the penalty of double the amount proposed to be advanced, and to be conditioned to the effect that the principal obligor shall well and truly, and by a certain time, to be named in the bond, proceed to erect, complete, and put into effective operation the manufactory proposed; that he will expend the sum proposed for these purposes; that he will appropriate the money advanced by the Government to such purpose, and to no other use or purpose, and that he will repay the same from the first merchantable article manufactured, until he shall fully repay to the Confederate States, in the article and at the price stipulated for, the sum advanced.

Mr. Seddon moved to amend the same by inserting after the word "purpose" in the last clause the following words, viz: "and as far as practicable will keep the said property insured."

The amendment was agreed to.

The third section of the bill having been read, as follows:

SEC. 3. *The Congress do further enact,* That in case of the destruction of any such manufactory, without the negligence or fault of the owner, before the repayment to Government of the advance made by it, under the first section of this law, the owner shall be excused from the further performance of such contract, save so far as he may be able to perform his contract from the manufactured article on hand at the time of and saved from such loss.

Mr. Seddon moved to amend the same by inserting after the words "to perform his contract" the words "with the property remaining, or."

The amendment was agreed to.

Mr. Curry moved to amend the section by inserting after the words "of any such manufactory" the words "of gunpowder."

The amendment was agreed to.

And the section as amended reads as follows:

SEC. 3. *The Congress do further enact,* That in case of the destruction of any such manufactory of gunpowder, without the negligence or fault of the owner, before the repayment to Government of the advance made by it, under the first section of this law, the owner shall be excused from the further performance of such contract, save so far as he may be able to perform his contract with the property remaining, or from the manufactured article on hand at the time of and saved from such loss.

By consent, Congress recurred to the consideration of the first section of the bill.

Mr. Conrad moved to amend the same by striking out the words "shall be entitled to receive" and inserting in lieu thereof the following words:

may, in case the Secretary of War approves of the undertaking and deems the cost thereof to be reasonable, receive at such times and in such amounts as may be required for the construction and operation of such works.

The amendment was lost.

Mr. Conrad moved further to amend the section by inserting after the words "on the amount proposed by him to be so invested" the words "such amount to be paid in installments as the works shall progress."

The amendment was lost.

Mr. Seddon moved to amend the section by inserting after the words "shall be entitled" the words

unless the Secretary of War deem such work visionary or impracticable, or at points too remote for the advantage of the Confederacy.

The amendment was agreed to.

Mr. Seddon moved further to amend the section by inserting after the words "shall be entitled to receive" the words

at such times and in such amounts as may be required for the construction and operation of such works.

The amendment was agreed to.

Mr. Jones of Tennessee moved to amend the section by adding the following proviso, viz:

*And provided further*, That no such advance shall be made until the party applying therefor shall subscribe a written oath, indorsed upon the back of said bond, which may be administered by any person competent to administer oaths, that said allowance is asked for the purposes specified in this act and for no other, and that he or they will so apply said funds, which may be then allowed. And a willful and corrupt violation of this oath shall be deemed perjury and punishable by imprisonment for not less than three nor more than ten years.

The section as amended reads as follows:

SECTION 1. *The Congress of the Confederate States do enact*, That every person who shall propose to establish, put in operation, and carry on a manufactory of small arms within the Confederate States, for making small arms suitable for the Army of the Confederate States; and every person who shall propose to establish, put in operation, and carry on a manufactory of gunpowder within the Confederate States, suitable as ammunition for the Army of the Confederate States; and every person who shall propose to establish, put in operation, and carry on a manufactory of saltpeter within the Confederate States, who shall submit to the Secretary of War his proposal or proposals in one or more of these respects, with a statement of the amount proposed by him to be so invested in said undertaking or undertakings, and of the extent and plan of his undertakings; and who shall produce satisfactory evidence to the Secretary of War that he has actually expended in the prosecution of the proposed work one-fourth of the capital proposed to be invested therein, shall be entitled, unless the Secretary of War deem such work visionary or impracticable, or at points too remote for the advantage of the Confederacy, to receive at such times and in such amounts as may be required for the construction and operation of such works, as an advance from the Treasury, a sum equal to fifty per cent on the amount proposed by him to be so invested; to be repaid, without interest, to the Confederate States from the first merchantable article manufactured, at such price as shall be agreed upon and stipulated for before or at the time of such advance, by the Secretary of War and the other contracting party, said price to be such as shall be sufficient to afford the manufacturer a liberal profit upon the probable cost of production: *Provided, however*, That no such advance shall be made until the party applying therefor shall enter into bond and security, to be approved by the Secretary of War or by some one appointed by him to take and approve said bond. Said bond to be in the penalty of double the amount proposed to be advanced, and to be conditioned to the effect that the principal obligor shall well and truly, and by a certain time, to be named in the bond, proceed to erect, complete, and put into effective operation the manufactory proposed; that he will expend the sum proposed for these purposes; that he will appropriate the money advanced by the Government to such purpose, and to no other use or purpose, and as far as practicable will keep the said property insured, and that he will repay the same from the first merchantable article manufactured, until he shall fully repay to the Confederate States, in the article and at the price stipulated for, the sum advanced: *And provided further*, That no such advance shall



be made until the party applying therefor shall subscribe a written oath, indorsed upon the back of said bond, which may be administered by any person competent to administer oaths, that said allowance is asked for the purposes specified in this act and for no other, and that he or they will so apply said funds, which may be then allowed. And a willful and corrupt violation of this oath shall be deemed perjury and punishable by imprisonment for not less than three nor more than ten years.

The bill was engrossed, read a third time, and passed.

Congress then proceeded to the consideration of the unfinished business; which was the consideration of

A bill to amend an act to raise an additional military force to serve during the war.

And the first section being under consideration, Mr. Rives moved to amend the same by striking out all after the enacting clause and inserting in lieu thereof the following, to wit:

That volunteers offering their services under the authority of the act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one, may be accepted by the President, singly or in companies, to be organized by him into companies, squadrons, battalions, or regiments. When vacancies occur in any squadron, battalion, or regiment organized heretofore by the President under the provisions of the second section of the said act, as well as in all original appointments of officers for volunteers raised after the passage of this act, the field and company officers shall be chosen and appointed in the manner provided by the act entitled "An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army," approved December eleventh, eighteen hundred and sixty-one, and all vacancies occurring in the said offices after the first election made under this act shall be filled by promotion according to grade and seniority, except in case of disability or other incompetency: *Provided, however,* That the President be authorized to depart from the prescribed rule of promotion in favor of any person specially brought to his notice for extraordinary merit or some signal act of gallantry or military skill by his commanding general.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for raising and organizing, in the State of Missouri, additional forces for the Provisional Army of the Confederate States.

On motion of Mr. Jones,

Congress then adjourned until 12 o'clock m. to-morrow.

#### FORTY-THIRD DAY—TUESDAY, JANUARY 14, 1862.

##### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Crawford announced the presence of Nathan Bass, a Delegate-elect from the State of Georgia, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

##### SECRET SESSION.

Congress being in secret session,

Mr. Perkins introduced

A bill to remunerate owners or assignees the value of slaves lost or killed in battle while in the employment of the Confederate States; which was read first and second times and, together with a letter from



the Quartermaster-General, was referred to the Committee on Military Affairs.

Mr. Currin presented the memorial of sundry citizens of Memphis, Tenn.; which was referred to the Committee on the Judiciary, without being read.

Mr. Seddon introduced

A resolution instructing the Committee on Finance to inquire into the expediency of appropriating \$50,000 to pay the citizens of Hampton, whose houses were burned by the order of General Magruder, etc.; which was read and agreed to.

Mr. Pryor, from the Committee on Military Affairs, to whom was referred the report of Colonel Johnson of the battle of Alleghany Mountain, reported the same back, with the recommendation that the same be published; which was agreed to.

Also, a bill to authorize the Secretary of War to audit and settle the claims of certain officers therein named, with the recommendation that the same be passed.

The bill was engrossed, read third time, and passed.

Mr. Pryor, from the same committee, to whom was referred the report of the attack upon Forts Walker and Beauregard, reported the same back, with the recommendation that it be published; which was agreed to.

Mr. Pryor, from the same committee, to whom was referred a joint resolution of the legislature of the State of Louisiana relative to an increase of the pay of private soldiers, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Pryor, from the same committee, to whom was referred a resolution for the suppression of drunkenness in the Army, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table.

Mr. Venable moved to recommit the resolution to the committee, with instructions to report a bill in accordance therewith.

The motion did not prevail.

And the question recurring upon agreeing to the report of the committee, the vote was taken, and the same was agreed to.

On motion of Mr. Pryor, Congress then resolved itself into legislative session; and having spent some time therein, again resolved itself into secret session.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act supplementary to an act making appropriations for certain floating defenses, approved January 9, 1862.

Mr. Campbell, from the Committee on Accounts, to whom was referred a resolution authorizing the Doorkeeper to purchase stationery for the Congress, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

The Chair presented a communication from the Secretary of the Treasury in response to a resolution of the Congress inquiring as to the amount of revenue collected since the 1st of July last; which was referred to the Committee on Printing, without being read.

The Chair presented a message from the President; which was

read and, together with the accompanying documents, referred to the Committee on Foreign Affairs, and which is as follows, to wit:

RICHMOND, January 13, 1862.

*To the Provisional Congress of the Confederate States:*

I transmit herewith a report and accompanying papers from the Secretary of State, in answer to a resolution of the Congress of the Confederate States of the 10th instant.

JEFFERSON DAVIS.

The hour of 1 p. m. having arrived, the hour for considering the special order of the day; which was

A bill to amend an act for the sequestration of the property and estates of alien enemies, etc.,

Mr. Orr moved to postpone the consideration of the special order, for the purpose of taking up the unfinished business of yesterday; which was the consideration of the amendment of Mr. Rives to the first section of

A bill to raise an additional military force to serve during the war.

And upon which he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Curry and Chilton. Nay: Messrs. Smith, McRae, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Watkins.

Florida—Yea: Mr. Ward.

Georgia—Yea: Messrs. Bass and T. R. R. Cobb. Nay: Messrs. Foreman, Crawford, and Stephens.

Kentucky—Nay: Messrs. Monroe, H. C. Burnett, Thomas, and White.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Orr, Bradford, Harrison, and Campbell. Nay: Messrs. Harris and Brooke.

Missouri—Yea: Messrs. Cooke, Harris, Conrow, and Bell. Nay: Messrs. Clark, Vest, and Freeman.

North Carolina—Yea: Messrs. Davis, Smith, McDowell, and Craige. Nay: Messrs. Avery and Venable.

South Carolina—Yea: Mr. Boyce.

Tennessee—Yea: Messrs. Atkins, Jones, De Witt, and Thomas. Nay: Messrs. House and Currin.

Texas—Nay: Messrs. Wigfall, Waul, and Ochiltree.

Virginia—Yea: Messrs. Hunter, Macfarland, Rives, Johnston, Staples, and Walter Preston. Nay: Messrs. Seddon, Boteler, and Russell.

Yea: Florida, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Virginia, 8.

Nay: Alabama, Georgia, Kentucky, and Texas, 4.

Divided: Arkansas, 1.

So the motion was agreed to.

Mr. Harris moved that the bill to amend the act for the sequestration of the property and estates of alien enemies, etc., be made the special order for 1 o'clock to-morrow.

Mr. Orr moved to amend the motion by moving to make it the special order immediately after the bill under discussion is disposed of.

The amendment was agreed to.

Congress then proceeded to the consideration of the unfinished business; which was the amendment of Mr. Rives to the first section of

A bill to amend an act to raise an additional military force to serve during the war;

And upon which Mr. Orr called the question; which was seconded; and the vote having been taken thereon, the amendment was agreed to, and the section as amended reads as follows, to wit:

*The Congress of the Confederate States of America do enact*, That volunteers offering their services under the authority of the act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one, may be accepted by the President, singly or in companies, to be organized by [him] into companies, squadrons, battalions, or regiments. When vacancies occur in any squadron, battalion, or regiment organized heretofore by the President under the provisions of the second section of the said act, as well as in all original appointments of officers for volunteers raised after the passage of this act, the field and company officers shall be chosen and appointed in the manner provided by the act entitled "An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army," approved December eleventh, eighteen hundred and sixty-one, and all vacancies occurring in the said offices after the first election made under this act shall be filled by promotion according to grade and seniority, except in case of disability or other incompetency: *Provided, however*, That the President be authorized to depart from the prescribed rule of promotion in favor of any person specially brought to his notice for extraordinary merit or some signal act of gallantry or military skill by his commanding general.

So the section as amended was adopted.

And the second section of the bill being under consideration; which is as follows, to wit:

SEC. 2. That the third section of said act shall read as follows, to wit: That any vacancies occurring in the ranks of the several companies mustered into service under the provisions of this act may be filled by volunteers; and that the commander of each of said squadrons, battalions, or regiments, organized as aforesaid, may detail one commissioned officer and one noncommissioned officer, and one or more privates from each of the companies of his command, with the approval of the brigadier-general of the brigade to which said squadron, battalion, or regiment may be attached, to recruit in the neighborhood in which said company was raised men for said company, so that the same may contain not more than one hundred and twenty-five, rank and file; and the men so recruited shall be mustered at the time of enrollment, and shall be entitled to transportation and subsistence, or commutation for subsistence, till they join their respective companies, and to fifty dollars bounty, to be paid at the time of joining the same.

Mr. Bradford moved to strike out the whole of said section and insert in lieu thereof the following, to wit:

The President is authorized from time to time to have detailed such number of recruiting officers on that service as may be necessary to keep the organization of said battalions or regiments full and complete against all disease, disability, and the casualties of war; and the President, at his pleasure, may increase each company to one hundred men, rank and file.

The amendment was not agreed to.

Mr. Orr moved to amend by striking out the words "under the provisions of this act" and inserting in lieu thereof "for three years or for the war."

The amendment was agreed to.

Also, to amend by striking out the words "in the neighborhood in which said company was raised."

The amendment was agreed to.

Mr. Waul moved to amend by striking out the following words, to wit: "That the third section of said act shall read as follows, to wit."

The amendment was agreed to, and the section as amended reads as follows, to wit:

SEC. 2. That any vacancies occurring in the ranks of the several companies mustered into service for three years or for the war may be filled by volunteers; and that

the commander of each of said squadrons, battalions, or regiments, organized as aforesaid, may detail one commissioned officer and one noncommissioned officer and one or more privates from each of the companies of his command, with the approval of the brigadier-general of the brigade to which said squadron, battalion, or regiment may be attached, to recruit men for said company, so that the same may contain not more than one hundred and twenty-five, rank and file; and the men so recruited shall be mustered at the time of enrollment, and shall be entitled to transportation and subsistence, or commutation for subsistence, till they join their respective companies, and to fifty dollars bounty, to be paid at the time of joining the same.

The question then recurring upon the adoption of the section as amended,

Mr. Venable, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows; to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, and Jones. Nay: Mr. McRae.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Mr. Johnson.

Florida—Nay: Mr. Ward.

Georgia—Yea: Mr. Foreman. Nay: Messrs. T. R. R. Cobb and Stephens.

Kentucky—Yea: Messrs. Monroe, White, and Hodge. Nay: Messrs. H. C. Burnett, Thomas, and Ford.

Louisiana—Yea: Messrs. Perkins and Conrad.

Mississippi—Yea: Messrs. Brooke, Orr, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Cooke, and Bell. Nay: Messrs. Harris, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Davis, Avery, Smith, McDowell, and Morehead. Nay: Messrs. Venable and Craige.

South Carolina—Yea: Messrs. Memminger and Boyce.

Tennessee—Yea: Messrs. House, Atkins, Jones, De Witt, and Thomas.

Texas—Yea: Mr. Waul. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Pryor, Rives, Boteler, Russell, Johnston, Staples, and Walter Preston. Nay: Messrs. Seddon and Macfarland.

Yea: Alabama, Arkansas, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, 8.

Nay: Florida, Georgia, and Missouri, 3.

Divided: Kentucky and Texas, 2.

Section 3 being under consideration; which is as follows, to wit:

SEC. 3. That the President be, and he is hereby, authorized to appoint and commission field officers or captains to raise regiments, squadrons, battalions, or companies, and that the individuals composing the same shall be mustered at the time of enrollment, and be entitled to pay, transportation, and subsistence from the time of organization, and that the same as to companies shall be effected in the manner prescribed by this act, except as to the appointment of captains, and that the officers shall be entitled to pay and transportation from the time of appointment; but the same may be revoked by the President if the officer appointed shall not within a reasonable time report the corps authorized to be raised by him organized and ready for duty, upon which revocation said appointment shall become void and all allowance for pay and transportation cease.

Mr. Bradford moved to amend by striking out the whole of the same and inserting in lieu thereof the following, to wit:

SECTION 1. That the President be, and he is hereby, authorized to appoint such persons as he may deem competent, residing in the several States of the Confederacy from which troops are required, to raise and enroll, or cause it to be done, volunteers



to serve during the war, who shall be entitled to pay and transportation according to the temporary rank assigned them; and said volunteers when mustered into service at the place appointed for rendezvous, shall organize themselves into companies, battalions, or regiments by electing by ballot or viva voce all their company and field officers, a majority of the companies, battalions, or regiments necessary to a choice in all cases; and each volunteer on being mustered and organized as aforesaid, including noncommissioned officers and privates, shall receive fifty dollars bounty, to be paid by the paymaster or some one appointed for that purpose, and shall also be paid for transportation and subsistence from the place of their enrollment to the place of rendezvous and organization.

SEC. 2. That the temporary appointment of the persons to raise battalions and regiments under this act shall expire and all emoluments pertaining thereto end when the troops are organized; and if they shall not within four months report the corps directed to be raised by them organized and ready for duty, the President may revoke said appointment, upon which revocation all pay and transportation shall cease.

Mr. Orr moved to lay the amendment on the table, upon which Mr. Bradford, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Curry, Chilton, and Jones.

Arkansas—Nay: Messrs. Thomson and Watkins.

Florida—Yea: Mr. Ward.

Georgia—Yea: Messrs. Foreman, Bass, and T. R. R. Cobb.

Kentucky—Yea: Messrs. H. C. Burnett, Monroe, and Thomas.  
Nay: Mr. White.

Louisiana—Yea: Messrs. Perkins and Conrad.

Mississippi—Yea: Messrs. Brooke, Orr, and Harrison. Nay: Mr. Bradford.

Missouri—Yea: Messrs. Harris and Conrow. Nay: Messrs. Clark, Cooke, Vest, and Freeman.

North Carolina—Yea: Messrs. Avery, Smith, and Morehead. Nay: Messrs. McDowell and Venable.

South Carolina—Yea: Mr. Boyce.

Tennessee—Yea: Mr. Thomas.

Texas—Nay: Messrs. Waul and Oldham.

Virginia—Yea: Messrs. Macfarland, Rives, Russell, and Johnston.  
Nay: Mr. Seddon.

Yea: Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, 9.

Nay: Alabama, Arkansas, Missouri, and Texas, 4.

So the motion prevailed.

Mr. Orr moved to strike out the third section.

Mr. Campbell moved to amend by striking out the word "organization" and all the section thereafter, and inserting in lieu thereof the following, to wit:

enrollment, and if the company in which any person shall enroll shall not be completed, all who shall be enrolled in said company shall be liable to be placed by the President in some other company; or companies may be organized by the President out of parts of companies which may fail of completion within such reasonable time as may be prescribed by the President; and the organization of companies shall be effected in the manner prescribed by this act, except as to the appointment of captains, and the officers shall be entitled to pay and transportation from the time of the organization of the regiment, squadron, battalion, or company, but if the regiment, battalion, squadron, or company shall be completed and reported for duty the officer's pay shall begin on the date of his appointment. The President may revoke any commission granted as herein provided for, if the officer appointed shall not within a reasonable time report the corps authorized to be raised by him organized and ready for duty.

[The amendment was not agreed to.]

Mr. Monroe moved to amend by striking out the following words, to wit:

of captains, and that the officers shall be entitled to pay and transportation from the time of appointment; but the same may be revoked by the President if the officer appointed shall not within a reasonable time report the corps authorized to be raised by him organized and ready for duty, upon which revocation said appointment shall become void and all allowance for pay and transportation cease.

The amendment was not agreed to.

EXECUTIVE DEPARTMENT,  
*Richmond, January 14, 1862.*

*Mr. President:* The President has this day approved and signed

An act to authorize the appointment of two additional clerks and a draftsman in the Navy Department.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to encourage the manufacture of small arms, of saltpeter, and of gunpowder within the Confederate States.

Mr. T. R. R. Cobb moved to amend by substituting for the section the following, to wit:

SEC. 3. That the President be, and he is hereby, authorized to appoint and commission persons as field officers or captains to raise regiments, squadrons, battalions, or companies, and that the individuals composing the same shall be mustered at the time of enrollment, and be entitled to pay, transportation, and subsistence from the time of enrollment, so soon as the organization is complete and not otherwise; and that the organization as to companies shall be effected in the manner prescribed by this act, except as to the appointment of captains, and that the officers shall be entitled to pay and transportation from the time of appointment, provided they succeed in raising their corps, and not otherwise; but the same may be revoked by the President if the officer appointed shall not within a reasonable time report the corps authorized to be raised by him organized and ready for duty, upon which revocation said appointment shall become void and all allowance for pay and transportation cease: *Provided*, That every officer so commissioned for such purpose shall receive an appointment proportioned to the force he recruits.

Mr. Pryor moved to recommit the bill and all amendments to a special committee of five.

The motion was agreed to.

And the Chair announced the following as the committee:

Messrs. Pryor of Virginia, T. R. R. Cobb of Georgia, Chilton of Alabama, H. C. Burnett of Kentucky, and Harris of Mississippi.

On motion of Mr. Thomason,

Congress then adjourned until 12 m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Pryor, from Committee on Military Affairs, to whom had been referred sundry nominations of the President to offices in the Army of the Confederate States, reported back the same, with the recommendation that Congress advise and consent to the same.

Mr. Ward moved that the consideration of the nomination of E. Yulee, as brigade commissary, with the rank of major, be postponed.

The motion prevailed.

The following communication was received from the President:

RICHMOND, *January 10, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

John C. Pemberton, of Virginia, to be major-general in the Army of the Confederate States.

John K. Jackson, of Georgia, and George E. Pickett, of Virginia, to be brigadier-generals in the Army of the Confederate States.

The nominations were confirmed.

Another communication was received from the President; which is as follows, viz:

RICHMOND, *January 13, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War:

*Military storekeepers, with the pay of captains.*

F. C. Humphreys, of Georgia, to take rank from June 10, 1861; J. E. P. Daingerfield, of Arkansas, to take rank from June 10, 1861; C. G. Wagner, of South Carolina, to take rank from June 19, 1861; W. S. Downer, of Virginia, to take rank from July 19, 1861.

*Military storekeepers, with the pay of first lieutenants.*

Richard Lambert, of Louisiana, to take rank from June 10, 1861; W. N. Smith, of District of Columbia, to take rank from June 26, 1861; O. W. Edwards, of Virginia, to take rank from September 11, 1861; Matt. Gayle, of Alabama, to take rank from November 16, 1861; John U. Ansley, of Georgia, to take rank from December 8, 1861.

*Master armorers.*

Solomon Adams, of ———, to take rank from September 2, 1861; Philip Burkhardt, of Virginia, to take rank from September 2, 1861.

*Superintendent of armories.*

James H. Burton, of Virginia, to take rank from September 2, 1861.

CORPS OF ARTILLERY.

*First lieutenant.*

C. C. Lee, of North Carolina, to take rank from December 1, 1861.

*Second lieutenants.*

W. R. Jones, of Virginia, to take rank from October 1, 1861; M. H. A. Bechter, of Georgia, to take rank from December 10, 1861; Samuel A. Ashe, of North Carolina, to take rank from December 11, 1861; Hamilton Wilkins, of Georgia, to take rank from December 14, 1861.

CORPS OF CAVALRY.

*Second lieutenant.*

W. Watkins Dunlap, of Kentucky, to take rank from July 1, 1861.

CORPS OF INFANTRY.

*Second lieutenants.*

James C. Dobbin, of North Carolina, to take rank from December 9, 1861; C. S. Hill, of District of Columbia, to take rank from December 12, 1861; Henry L. Blow, of Louisiana, to take rank from December 13, 1861; J. C. Clemson, of South Caro-

lina, to take rank from December 16, 1861; R. K. Meade, of Virginia, to take rank from December 17, 1861; E. M. Ross, of Kentucky, to take rank from December 18, 1861; J. Hunter, jr., of Georgia, to take rank from December 20, 1861; Richard D. Screven, of Louisiana, to take rank from December 21, 1861; F. B. Schaeffer, of District of Columbia, to take rank from December 23, 1861; Charles J. Helm, of Kentucky, to take rank from December 24, 1861.

The nominations were referred to the Committee on Military Affairs.

The report of the Military Committee was adopted.

Congress then resolved into legislative session.

#### FORTY-FOURTH DAY—WEDNESDAY, JANUARY 15, 1862.

##### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Monroe announced the presence of J. M. Elliott, a Delegate-elect from the State of Kentucky, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

##### SECRET SESSION.

Mr. Ward presented a joint resolution of the legislature of Florida in relation to raising troops for the Confederate service; which was referred to the Committee on Military Affairs, without being read.

Also, a resolution recommending amendments to the sequestration act; which was referred to the Committee on the Judiciary, without being read.

Mr. Morehead presented two memorials; which were referred to the Committee on Postal Affairs, without being read.

Mr. Stephens, from the Committee to Organize the Executive Departments, reported back

A bill to make the appointments of Assistant Secretary of State, Assistant Secretary of War, and Assistant Secretary of the Treasury executive appointments, with the recommendation that the same be passed.

The bill was engrossed, read a third time, and passed.

Mr. Hale, from the Committee on the Judiciary, to whom was referred

A bill to provide for the organization of the Arkansas and Red River superintendency of Indian affairs, to regulate trade and intercourse with the Indians therein, and to preserve peace on the frontier, reported the same back, asked to be discharged from its further consideration, and that the same be referred to the Committee on Indian Affairs; which was agreed to.

Mr. Perkins, from the Committee on Printing, to whom was referred the communication of the Secretary of the Treasury in relation to the amount of revenue collected since the 1st day of July last, reported the same back, with the recommendation that the same be printed; which was agreed to.

Mr. Pryor, from the Special Committee of Five, to whom was referred



A bill to amend an act to raise an additional military force to serve during the war,  
with all pending amendments, for the purpose of harmonizing the same, reported as a substitute for the same

A bill to amend an act to raise an additional military force to serve during the war,

And the first section of the same being under consideration, and there being no amendments offered to the same, the section was adopted.

And the question being upon adopting the second section of the bill, Mr. Johnson of Arkansas, at the instance of his State, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, and Chilton. Nay: Messrs. Hale, McRae, and Jones.

Arkansas—Yea: Mr. Watkins. Nay: Mr. Johnson.

Florida—Yea: Mr. Ward.

Georgia—Yea: Messrs. Crawford, Bass, T. R. R. Cobb, and Stephens.

Kentucky—Yea: Messrs. H. C. Burnett, Thomas, and Ford. Nay: Messrs. Monroe, White, Elliott, and Hodge.

Louisiana—Yea: Mr. Conrad.

Mississippi—Yea: Messrs. Brooke, Orr, Bradford, Harrison, and Campbell. Nay: Mr. Harris.

Missouri—Yea: Messrs. Clark, Cooke, Harris, and Bell. Nay: Messrs. Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Davis, Avery, Smith, McDowell, and Morehead. Nay: Messrs. Venable and Cruige.

South Carolina—Yea: Mr. Boyce.

Tennessee—Yea: Messrs. House, Atkins, Jones, De Witt, and Thomas. Nay: Mr. Currin.

Texas—Yea: Messrs. Waul and Oldham. Nay: Messrs. Wigfall and Ochiltree.

Virginia—Yea: Messrs. Hunter, Pryor, Rives, Boteler, Russell, Johnston, and Walter Preston. Nay: Mr. Seddon.

Yea: Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Virginia, 9.

Nay: Kentucky, 1.

Divided: Alabama, Arkansas, and Texas, 3.

So the section was adopted.

And the fourth section being under consideration, Mr. Conrad moved to amend the same by inserting after the word "companies" the following words, to wit:

and in case the commanding officer shall certify that any portion of those who have enrolled themselves remain embodied together under his command and require subsistence, so many of them as so remain shall be entitled to subsistence from the date of their enrollment.

And upon which, at the instance of the State of Louisiana, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. McRae and Jones. Nay: Messrs. Smith, Curry, Chilton, and Hale.

Arkansas—Nay: Messrs. Johnson and Watkins.

Florida—Nay: Mr. Ward.

Georgia—Yea: Mr. Stephens. Nay: Messrs. Crawford, Bass, and T. R. R. Cobb.

Kentucky—Yea: Messrs. Monroe, H. C. Burnett, Thomas, Ford, and White. Nay: Mr. Elliott.

Louisiana—Yea: Mr. Conrad.

Mississippi—Yea: Messrs. Brooke, Bradford, and Harrison. Nay: Messrs. Harris, Orr, and Campbell.

Missouri—Yea: Messrs. Clark, Harris, Conrow, Vest, Freeman, and Bell. Nay: Mr. Cooke.

North Carolina—Yea: Messrs. Davis, McDowell, Venable, and Morehead. Nay: Messrs. Avery, Smith, and Craige.

South Carolina—Nay: Mr. Boyce.

Tennessee—Yea: Messrs. De Witt and Currin. Nay: Messrs. House, Atkins, Jones, and Thomas.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Waul and Oldham.

Virginia—Yea: Messrs. Seddon, Johnston, Staples, and Walter Preston. Nay: Messrs. Hunter, Pryor, Rives, and Boteler.

Yea: Kentucky, Louisiana, Mississippi, Missouri, and North Carolina, 5.

Nay: Alabama, Arkansas, Florida, Georgia, South Carolina, Tennessee, and Texas, 7.

Divided: Virginia, 1.

So the amendment was not agreed to.

And the question recurring upon the adoption of the section, Mr. Bradford, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Mr. Watkins. Nay: Mr. Johnson.

Florida—Yea: Mr. Ward.

Georgia—Yea: Messrs. Crawford, Bass, T. R. R. Cobb, and Stephens.

Kentucky—Yea: Messrs. H. C. Burnett, Thomas, and White. Nay: Messrs. Monroe and Elliott.

Louisiana—Yea: Mr. Conrad.

Mississippi—Yea: Messrs. Brooke, Orr, Harrison, and Campbell. Nay: Messrs. Harris and Bradford.

Missouri—Yea: Messrs. Clark, Cooke, and Bell. Nay: Messrs. Harris, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Davis, Avery, Smith, McDowell, Morehead, and Craige. Nay: Mr. Venable.

Tennessee—Yea: Messrs. House, Atkins, De Witt, and Currin. Nay: Messrs. Jones and Thomas.

Texas—Yea: Messrs. Waul and Oldham. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Seddon, Pryor, Rives, Boteler, Russell, Johnston, Staples, and Walter Preston.

Yea: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Texas, and Virginia, 10.

Nay: Missouri, 1.

Divided: Arkansas, 1.

Not voting: South Carolina, 1.

So the section was adopted.

The bill was then engrossed and read a third time, and Mr. T. R. R. Cobb called the question, which was on the passage of the bill, when Mr. Ochiltree, at the instance of the State of Texas, demanded that

the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, and Chilton. Nay: Messrs. Hale, McRae, and Jones.

Arkansas—Yea: Mr. Watkins.

Florida—Yea: Mr. Ward.

Georgia—Yea: Messrs. Crawford, Bass, T. R. R. Cobb, and Stephens.

Kentucky—Yea: Messrs. H. C. Burnett, Ford, and White. Nay: Messrs. Monroe and Elliott.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Brooke, Orr, Bradford, and Campbell. Nay: Messrs. Harris and Harrison.

Missouri—Yea: Mr. Cooke. Nay: Messrs. Clark, Harris, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Davis, Avery, Smith, McDowell, and Morehead. Nay: Messrs. Venable and Craige.

South Carolina—Nay: Mr. Boyce.

Tennessee—Yea: Messrs. House, Atkins, and De Witt. Nay: Messrs. Jones and Currin.

Texas—Yea: Mr. Waul. Nay: Messrs. Wigfall, Reagan, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Hunter, Pryor, Rives, Boteler, Russell, Johnston, Staples, and Walter Preston.

Yea: Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, and Virginia, 9.

Nay: Missouri, South Carolina, and Texas, 3.

Divided: Alabama, 1.

So the bill was passed.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President on yesterday approved and signed

An act supplementary to an act making appropriations for certain floating defenses, approved January 9, 1862.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the Secretary of War to audit and settle the claims of certain officers therein named.

And the question being upon the title of the bill, Mr. Pryor moved to amend the same by adding thereto the following words, to wit: "and for other purposes."

The amendment was agreed to.

Mr. T. R. R. Cobb introduced

A bill to authorize the President to call upon the several States for troops to serve for three years or during the war; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Harris of Mississippi moved to make the bill to amend the act to sequester the property and estates of alien enemies the special order for 1 o'clock to-morrow.

The motion was agreed to.

Mr. Crawford, on his own motion, was excused from serving on the committee to inquire into frauds in the Quartermaster's and Commissary Departments.

And the Chair announced Mr. Bass to fill his place on said committee.

Mr. Hodge, on motion, was excused from serving on the same committee.

And the Chair announced Mr. Thomas of Kentucky to fill his place.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to make the appointment of Assistant Secretary of State, of the Treasury, and of War executive appointments.

Mr. Conrad, from the Committee on Naval Affairs, reported

A bill supplementary to an act to authorize the appointment of officers in the Navy, approved December 24, 1861;

which was read first and second times, engrossed, read third time, and passed.

Also, a bill to authorize the Secretary of the Navy to give a bounty to seamen who enlist for three years or for the war; which was read first and second times, engrossed, read third time, and passed.

On motion of Mr. Conrad, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Conrad, from the Committee on Naval Affairs, to whom was referred the memorial of Capt. V. M. Randolph, reported the same back, asked to be discharged from its further consideration, and that the memorial lie on the table; which was agreed to.

And on motion of Mr. Chilton, Captain Randolph was allowed to withdraw his memorial.

Mr. Wigfall introduced

A bill to authorize the appointment of officers of artillery in the Provisional Army and in the Volunteer Corps; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Brooke moved to take up from the Calendar

A bill to amend an act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs, approved May 21, 1861.

The motion was agreed to.

And Congress proceeded to consider the same, and the fourth section being under consideration; which is as follows, to wit:

SEC. 4. *And be it further enacted*, That it shall be the duty of the Commissioner to indorse on each patent and instrument of writing assigning interests in United States patents as aforesaid, filed for record under the foregoing sections, the date of such filing and also a certificate under the seal of his office that said patent, or instrument of writing, has been recorded, which certificate shall be evidence of the fact in any court of justice, whether of a State or the Confederate States, and of the right of the owner thereof to use and enjoy the same, and such patents and instruments of writing, after they are recorded and certified, shall be returned to the owners thereof.

Mr. Brooke moved to amend the same by striking out the words "whether of a State or" and inserting in lieu thereof the word "of."

The motion was agreed to, and the section as amended reads, as follows, to wit:

SEC. 4. *And be it further enacted*, That it shall be the duty of the Commissioner to indorse on each patent and instrument of writing assigning interests in United States patents as aforesaid, filed for record under the foregoing sections, the date of such filing and also a certificate under the seal of his office that said patent, or instrument of writing, has been recorded, which certificate shall be evidence of the fact in any court of justice of the Confederate States, and of the right of the owner thereof to use and enjoy the same, and such patents and instruments of writing, after they are recorded and certified, shall be returned to the owners thereof.



Mr. Brooke also moved to amend by inserting as section 6 in the bill the following, to wit:

*And be it further enacted*, That no citizen of the Confederate States, nor alien, unless he be a citizen of the United States, shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the twenty-first day of May, one thousand eight hundred and sixty-one, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided*, That the same shall not have been introduced into public and common use in the Confederate States prior to the application for such patent: *And provided also*, That in all cases every such patent shall be limited to the term of fourteen years from the date of publication of such foreign patent.

The amendment was agreed to.

And Congress, by general consent, recurred to the second section of the bill, and Mr. Chilton moved to amend by adding at the end thereof the following proviso, to wit:

*Provided, however*, That the said patentee shall maintain no suit for a violation of his patent, which violation occurred before the filing of a caveat and the deposit of the required fees for the revival of said patent in the Patent Office.

The amendment was agreed to.

And the bill was engrossed and read a third time, and the question being on the passage of the same, Mr. Harrison, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, and Jones.

Arkansas—Yea: Mr. Thomason.

Georgia—Yea: Messrs. Foreman and Bass.

Kentucky—Yea: Mr. Monroe.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Harrison, and Campbell.

Missouri—Yea: Messrs. Conrow and Vest.

North Carolina—Yea: Messrs. Davis, Smith, McDowell, and Morehead.

South Carolina—Yea: Mr. Boyce.

Tennessee—Yea: Messrs. House, Jones, and De Witt.

Virginia—Yea: Mr. Pryor.

Yea: Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Virginia, 11.

Not voting: Florida and Texas, 2.

So the bill was passed.

On motion of Mr. Brooke,

Congress then adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session.

Mr. Conrad, from the Committee on Naval Affairs, to whom was referred the communication of the President nominating James D. Bulloch, of Georgia, to be commander in the Confederate States Navy during the war, reported that the committee recommended that Congress advise and consent to the same.

The report was agreed to.

Congress then resumed legislative session.

## FORTY-FIFTH DAY—THURSDAY, JANUARY 16, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session.

Mr. Conrad introduced

A bill to authorize the change of the names of vessels in certain cases;

which was read first and second times and referred to the Committee on Commerce.

Mr. House, from the special committee of one from each State, appointed to examine into the frauds in the Quartermaster and Commissary Departments, reported the following resolution; which was read and agreed to, to wit:

*Resolved*, That the special committee consisting of one member from each State, appointed to inquire into abuses occurring in the Commissary Department of the Government, be further empowered to inquire as to the best means of ascertaining the abuses in all purchases made by Government agents, and also into contracts and abuses under the different Departments of the Government.

Mr. Macfarland presented several designs for a flag for the Confederacy; which, together with a letter from the artist, were referred to the Committee on Flag and Seal, with the privilege of withdrawing same if not used.

Mr. Perkins, from the Committee on Foreign Affairs, moved to take up from the Calendar

A bill to prohibit the importation of articles the production or manufacture of the Confederate States, and make the same the special order for Monday, the 20th instant; which was agreed to.

Mr. H. C. Burnett offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Finance be instructed to inquire into the propriety of making an appropriation of three millions of dollars, to be expended by the State government of Kentucky, under the supervision of the President of the Confederate States, to enable the State government to organize and put in the field such troops as said State may be able to muster into the service.

Mr. Pryor, from the Committee on Military Affairs, to whom was referred a resolution of inquiry as to the legislation needed to allow soldiers to obtain furloughs and discharges, reported, with the recommendation that the same pass,

A bill to provide for granting furloughs in certain cases; which was read first and second times, when Mr. Waul moved to postpone the further consideration of the same, and that the bill be printed and made the special order for to-morrow.

EXECUTIVE DEPARTMENT,

Richmond, January 16, 1862.

*Mr. President:* The President on yesterday approved and signed

An act to authorize the Secretary of War to audit and settle the claims of certain officers therein named.

ROBERT JOSSELYN,

*Private Secretary.*

The hour of 1 o'clock p. m. having arrived, the hour for taking up the special order of the day, Mr. Campbell moved that the consideration of the same be postponed for the present.

The motion was agreed to.

And Mr. Conrad moved that the Congress proceed to the consideration of the message of the President vetoing

A bill regulating furloughs and discharges in certain cases; which was agreed to.

When Mr. Atkins called the question: which was seconded.

And the question being,

Shall the bill pass notwithstanding the veto of the President?

Under provision of the Constitution, the yeas and nays of the whole body were recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Jones. Nay: Messrs. Curry, Chilton, Hale, and McRae.

Arkansas—Nay: Mr. Watkins.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Bass and Stephens. Nay: Messrs. Foreman and T. R. R. Cobb.

Kentucky—Nay: Messrs. Monroe and White.

Louisiana—Nay: Mr. Conrad.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Clark, Cooke, Vest, and Bell. Nay: Messrs. Harris, Conrow, and Freeman.

North Carolina—Yea: Messrs. Smith, McDowell, and Morehead. Nay: Messrs. Davis, Avery, Venable, and Cratge.

South Carolina—Nay: Messrs. Barnwell and Boyce.

Tennessee—Yea: Messrs. Jones and De Witt. Nay: Messrs. House, Atkins, and Thomas.

Texas—Yea: Mr. Oldham. Nay: Messrs. Wigfall, Waul, and Ochiltree.

Virginia—Nay: Messrs. Seddon, Macfarland, Pryor, and Boteler.

Yea: Florida, Missouri, and North Carolina, 3.

Nay: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, Texas, and Virginia, 9.

Divided: Georgia, 1.

So the bill was lost.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the Secretary of the Navy to give a bounty to all persons enlisted as seamen who enlist for three years or for the war;

An act supplementary to an act entitled "An act to authorize the appointment of additional officers of the Navy," approved December 24, 1861; and

An act to reward the loyalty of the principal chief of the Seminole Nation.

Mr. Perkins moved to reconsider the vote by which the House agreed to postpone the consideration of the special order of the day, and called the question; which was seconded, and, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. McRae. Nay: Messrs. Chilton, Hale, and Jones.

Arkansas—Nay: Messrs. Thomason and Watkins.

Florida—Nay: Messrs. Morton and Ward.

Georgia—Yea: Mr. T. R. R. Cobb. Nay: Messrs. Foreman, Bass, and Stephens.

Kentucky—Yea: Mr. Monroe. Nay: Messrs. H. C. Burnett and White.

Louisiana—Yea: Messrs. Perkins and Conrad.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Bradford, and Harrison. Nay: Mr. Campbell.

Missouri—Yea: Messrs. Vest and Freeman. Nay: Messrs. Clark and Harris.

North Carolina—Yea: Messrs. Davis, Venable, Morehead, and Craige. Nay: Messrs. Avery, Smith, and McDowell.

South Carolina—Yea: Mr. Barnwell. Nay: Mr. Boyce.

Tennessee—Yea: Mr. House. Nay: Messrs. Atkins, Jones, De Witt, Thomas, and Currin.

Texas—Yea: Messrs. Wigfall, Waul, and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Mr. Seddon. Nay: Messrs. Macfarland, Pryor, and Boteler.

Yea: Louisiana, Mississippi, North Carolina, and Texas, 4.

Nay: Alabama, Arkansas, Florida, Georgia, Kentucky, Tennessee, and Virginia, 7.

Divided: Missouri and South Carolina, 2.

So the motion to reconsider did not prevail.

The question then recurring upon the motion of Mr. Waul to print the bill and make it the special order of to-morrow, the vote was taken, and the motion was not agreed to.

EXECUTIVE DEPARTMENT,  
*Richmond, January 16, 1862.*

*Mr. President:* The President has this day approved and signed

An act to make the appointment of Assistant Secretaries of State, of the Treasury, and of War executive appointments.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Harris of Mississippi, from the committee to whom was referred the reports of the various battles, by unanimous consent, moved to postpone for the present the further consideration of the bill under discussion.

The motion was agreed to.

Mr. Harris then moved that such reports as the committee were instructed to have printed in whole be printed in 100 copies each for the use of the Congress.

The motion was agreed to.

Mr. Harris then moved that such reports as the committee were instructed to print with portions of the same stricken out, be printed as complete reports.

Mr. Avery moved to amend the motion of Mr. Harris by moving that said reports be printed as extracts.

The amendment was agreed to.

Congress then proceeded to the consideration of

A bill to provide for granting furloughs in certain cases.

And the first section of the same being under consideration,



Mr. Waul moved to amend by adding at the end of the section the following words, to wit:

And said privates and noncommissioned officers shall be entitled to transportation home and to return if said commanding officer shall recommend it as necessary.

Mr. Morehead moved to amend the amendment by striking out the words "if said commanding officer shall recommend it as necessary."

The amendment to the amendment was not agreed to.

Mr. Thomason moved to amend by striking out the word "necessary" and to insert in lieu thereof the words "right and proper."

The amendment was not agreed to.

Mr. Wigfall moved to amend by inserting after the words "non-commissioned officers" the words "and other officers."

The amendment was not agreed to.

Mr. Conrad moved to amend by striking out the words "as necessary."

The amendment was agreed to.

The question then recurring upon agreeing to the amendment of Mr. Waul,

Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. McRae. Nay: Messrs. Curry, Chilton, Hale, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Watkins.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Bass, T. R. R. Cobb, and Stephens. Nay: Messrs. Foreman and Crawford.

Kentucky—Yea: Messrs. Monroe, H. C. Burnett, and Ford.

Louisiana—Yea: Mr. Conrad. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Orr and Campbell. Nay: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Clark, Cooke, Harris, and Vest. Nay: Mr. Conrow.

North Carolina—Yea: Messrs. Davis, Avery, Smith, McDowell, Venable, and Morehead.

South Carolina—Nay: Mr. Barnwell.

Tennessee—Yea: Messrs. House, Jones, and De Witt. Nay: Messrs. Atkins and Thomas.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree. Nay: Mr. Wigfall.

Virginia—Yea: Messrs. Macfarland, Boteler, and Walter Preston. Nay: Messrs. Seddon and Pryor.

Yea: Florida, Georgia, Kentucky, Missouri, North Carolina, Tennessee, Texas, and Virginia, 8.

Nay: Alabama, Mississippi, and South Carolina, 3.

Divided: Arkansas and Louisiana, 2.

So the amendment was agreed to.

Mr. Waul moved further to amend by inserting after the word "proper" the words "not exceeding ninety days."

Mr. Crawford moved to amend the amendment by inserting in lieu of the word "ninety" the word "sixty."

Mr. T. R. R. Cobb moved to amend by inserting in lieu of the word "ninety" the word "thirty."

Mr. Avery moved to lay all the amendments on the table.

The motion was agreed to.

Mr. Bass moved to amend by adding at the end of the section the following, to wit:

*Provided*, That in all cases where a sick or disabled soldier is not in camp, a furlough or discharge shall be granted him upon the certificate by the principal Government surgeon nearest such soldier, certifying that the health and condition of said soldier render it necessary he should have such furlough.

On motion of Mr. Crawford,

Congress then adjourned until 12 m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Johnson of Arkansas moved to reconsider the vote by which Congress advised and consented to the nomination of the officers of Second Arkansas Regiment, viz: J. W. Scaife for colonel, Daniel C. Govan for lieutenant-colonel, and Reuben F. Harvey for major.

The motion prevailed.

Congress then resumed business in legislative session.

#### FORTY-SIXTH DAY—FRIDAY, JANUARY 17, 1862.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Perkins introduced the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of War be requested to furnish Congress with the list of names of persons who have been permitted to leave the Confederate States with special passports since the expiration of the period stated in the President's proclamation relating to alien enemies, and the grounds upon which they were permitted to leave.

Mr. Campbell introduced a resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Military Affairs be instructed to inquire what legislation, if any, is necessary to enable privates and noncommissioned officers now in twelve months' companies to volunteer for the war, and be transferred to companies enlisted for the war, etc.

Mr. Waul presented the petition of John M. Robinson; which was referred to the Committee on the Judiciary, without being read.

Mr. Ochiltree, from the Committee on Military Affairs, to whom was referred

A bill to authorize the President to call upon the several States for troops to serve for three years or during the war, reported the same back and recommended its passage.

The bill was engrossed, read a third time, and passed.

Mr. Ochiltree, from the same committee, to whom was referred a joint resolution of the legislature of the State of Texas in relation to frontier defenses, reported and recommended the passage of

A bill to authorize the Secretary of War to receive into the service of the Confederate States a regiment of volunteers for the protection of the frontier of Texas;

which was read first and second times, engrossed, read a third time, and passed.

Mr. Harris of Missouri, from the Committee on Military Affairs, to whom was referred

A bill to authorize the appointment of artillery officers in the Provisional Army and in the Volunteer Corps,

reported the same back and recommended its passage.

EXECUTIVE DEPARTMENT,  
*Richmond, January 17, 1862.*

*Mr. President:* The President on yesterday approved and signed

An act to reward the loyalty of the principal chief of the Seminole Nation;

An act to authorize the Secretary of the Navy to give a bounty to all persons enlisted as seamen who enlist for three years or for the war; also

An act supplementary to an act entitled "An act to authorize the appointment of additional officers of the Navy," approved December 24, 1861.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend an act entitled "An act to raise an additional military force to serve during the war." approved May 8, 1861, and for other purposes; and

An act to organize the Territory of Arizona.

And the first section of the bill being under consideration,

Mr. Chilton moved to amend the same by striking out therefrom the words "one brigadier-general for every eighty guns."

And upon which he called the question; which was seconded, and

Mr. Atkins, at the instance of the State of Tennessee, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, Hale, and Jones. Nay: Mr. McRae.

Arkansas—Yea: Messrs. Thomason and Watkins.

Florida—Yea: Mr. Ward. Nay: Mr. Morton.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, Bass, and T. R. Cobb. Nay: Mr. Stephens.

Kentucky—Yea: Messrs. [H. C.] Burnett and White. Nay: Messrs. Monroe, Ford, and Thomas.

Louisiana—Nay: Mr. Conrad.

Mississippi—Yea: Messrs. Bradford and Campbell. Nay: Messrs. Harris and Harrison.

Missouri—Nay: Messrs. Clark, Harris, Conrow, Vest, and Bell.

North Carolina—Yea: Messrs. McDowell and Craige. Nay: Messrs. Davis, Avery, Venable, and Morehead.

South Carolina—Nay: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. Atkins and Jones. Nay: Messrs. House, De Witt, and Thomas.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Wigfall, Waul, and Oldham.

Virginia—Yea: Messrs. Bocoek, Brockenbrough, Johnston, Staples, and Walter Preston. Nay: Messrs. Seddon, Macfarland, Pryor, Rives, and Boteler.

Yea: Alabama, Arkansas, Florida, and Georgia, 4.

Nay: Kentucky, Louisiana, Missouri, North Carolina, South Carolina, Tennessee, and Texas, 7.

Divided: Mississippi and Virginia, 2.

So the amendment was not agreed to.

Mr. Avery called the question, which was upon ordering the bill to be engrossed for a third reading, and the call being sustained, the bill was engrossed and read a third time, and the question being upon the passage of the bill, Mr. Jones of Tennessee, at the instance of his State, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. McRae. Nay: Messrs. Smith, Curry, Chilton, Hale, and Jones.

Arkansas—Nay: Messrs. Thomason and Watkins.

Florida—Yea: Mr. Morton.

Georgia—Yea: Mr. Stephens. Nay: Messrs. Howell Cobb, Foreman, Crawford, Bass, and T. R. R. Cobb.

Kentucky—Yea: Messrs. Monroe, Ford, and Thomas. Nay: Messrs. H. C. Burnett and White.

Louisiana—Yea: Mr. Conrad.

Mississippi—Yea: Messrs. Harris, Bradford, and Harrison. Nay: Mr. Campbell.

Missouri—Yea: Messrs. Clark, Harris, Conrow, Vest, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, McDowell, Venable, and Morehead. Nay: Mr. Craige.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. House, De Witt, and Thomas. Nay: Messrs. Atkins and Jones.

Texas—Yea: Messrs. Wigfall, Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Pryor, Rives, Boteler, Brockenbrough, Johnston, and Walter Preston. Nay: Mr. Bocoek.

Yea: Florida, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

Nay: Alabama, Arkansas, and Georgia, 3.

So the bill was passed.

And the hour of 1 o'clock p. m. having arrived, the hour for considering the special order of the day, Mr. Chilton moved to postpone the consideration of the special order of the day.

The motion was agreed to.

And Mr. Chilton, from the Committee on Postal Affairs, reported back

A bill to amend an act to collect for distribution the money remaining in the several post-offices of the Confederate States at the time the postal service was taken in charge by said Government, and recommended the passage of the same.

The bill was engrossed, read a third time, and passed.

Mr. Chilton, from the same committee, reported

A bill for the relief of Dillon Jordan and F. Glackmeyer; which was read first and second times, engrossed, read a third time, and passed.

Mr. Chilton, from the same committee, to whom was referred



A bill to authorize the transmission of newspapers and pamphlets free of postage to soldiers in the service of the Confederate States, reported adversely to the same, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Chilton, from the same committee, reported and recommended the passage of

A bill to increase the clerical force of the Post-Office Department; which was read first and second times, engrossed, read a third time, and the question being on the passage of the same, Mr. Crawford, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, and Jones. Nay: Messrs. Hale and McRae.

Arkansas—Nay: Messrs. Thomason and Watkins.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Howell Cobb and Foreman. Nay: Messrs. Crawford, Bass, T. R. R. Cobb, and Stephens.

Kentucky—Yea: Messrs. Monroe, Ford, White, and Thomas.

Louisiana—Yea: Mr. Conrad. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Harrison, and Campbell.

Missouri—Yea: Messrs. Harris and Bell. Nay: Messrs. Clark, Conrow, and Vest.

North Carolina—Yea: Messrs. Davis, Avery, and McDowell. Nay: Messrs. Morehead and Craige.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. Atkins and Currin. Nay: Messrs. Jones and De Witt.

Texas—Yea: Messrs. Wigfall and Waul.

Virginia—Yea: Messrs. Seddon, Pryor, Bocock, Rives, Boteler, Brockenbrough, Johnston, Staples, and Walter Preston. Nay: Mr. Macfarland.

Yea: Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 8.

Nay: Arkansas, Georgia, and Missouri, 3.

Divided: Louisiana and Tennessee, 2.

So the bill was passed.

Mr. Crawford moved to reconsider the vote just taken.

Mr. Chilton moved to amend the motion of Mr. Crawford by moving to postpone the consideration of the motion to reconsider until 12 m. to-morrow; upon which he called the question; which was seconded, and the vote having been taken thereon, the amendment was agreed to.

Mr. Crawford, from the Committee on Commercial Affairs, to whom was referred the petition of A. B. Noyes, reported and recommended the passage of

A bill for the relief of A. B. Noyes, collector of the port of St. Marks, Fla.;

which was read first and second times;

When,

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, etc.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the Secretary of War to receive into the service of the Confederate States a regiment of volunteers for the protection of the frontier of Texas.

Mr. Waul called the question, which was upon ordering the bill introduced by Mr. Crawford to be engrossed for a third reading, and the call being sustained, Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon: which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Hale, and Jones. Nay: Mr. Chilton.

Arkansas—Yea: Messrs. Thomason and Watkins.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, and T. R. R. Cobb. Nay: Mr. Bass.

Kentucky—Yea: Messrs. H. C. Burnett and Ford. Nay: Mr. Monroe.

Louisiana—Nay: Mr. Conrad.

Mississippi—Yea: Messrs. Harris, Orr, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Cooke, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Davis, Avery, McDowell, and Morehead. Nay: Mr. Smith.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. House, Atkins, Jones, and Currin. Nay: Mr. De Witt.

Texas—Yea: Messrs. Wigfall, Reagan, Waul, and Oldham.

Virginia—Yea: Messrs. Seddon, Macfarland, Pryor, Bocoek, Brockenbrough, Staples, and Walter Preston.

Yea: Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia. 12.

Nay: Louisiana. 1.

So the bill was passed.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

And, on motion of Mr. Waul,

Adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The following communication was received from the President, nominating sundry officers in the Army of the Confederate States:

RICHMOND, VA., *January 17, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

Richard S. Ewell, of Virginia, to be major-general, to take rank from date of confirmation.

Seth M. Barton, of Virginia, and James McIntosh, of Florida, to be brigadier-generals, to take rank from date of confirmation.

The communication was referred to the Committee on Military Affairs.

The Chair presented a communication from the President, nominating Mr. [John M. Powers] postmaster at Tusculumbia, Ala.

On motion, Congress advised and consented to the same.

Congress then resumed business in legislative session.

## FORTY-SEVENTH DAY—SATURDAY, JANUARY 18, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by Rev. Dr. Hoge.

On motion of Mr. Hunter,

Congress then adjourned until 12 o'clock m. Monday.

## FORTY-EIGHTH DAY—MONDAY, JANUARY 20, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Macfarland announced the death of John Tyler, a Delegate from the State of Virginia, and moved the adoption of the following resolutions:

*Resolved*, That the Congress has heard with the deepest sensibility of the death in this city on the morning of Saturday, the eighteenth instant, of the Honorable John Tyler, a member of this Congress from the State of Virginia.

*Resolved*, That as a testimony of respect for the memory of this illustrious statesman and honored patriot, the members of this Congress will wear the usual badge of mourning for thirty days, and will attend the funeral of the deceased at twelve o'clock to-morrow.

*Resolved*, That a committee consisting of one member from each State be appointed to superintend the funeral solemnities.

*Resolved*, That the proceedings of this body in relation to the death of the Honorable John Tyler be communicated by the President of Congress to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased, the Congress do now adjourn.

Pending which.

The Chair presented a communication from the speaker of the house of delegates; which was read, and is as follows, to wit:

HOUSE OF DELEGATES, GENERAL ASSEMBLY OF VIRGINIA,  
January 20, 1862.

*To the honorable the President of the Provisional Congress.*

SIR: I have the honor to transmit to you the inclosed preamble and resolutions, unanimously adopted on Saturday last by both houses of the general assembly of Virginia, in honor of the memory of the late John Tyler.

With sentiments of regard, I am, your obedient servant,

CHAS. F. COLLIER,  
*Speaker pro tempore Virginia House of Delegates.*

The mournful intelligence of the decease of John Tyler, after a brief illness, has cast a gloom over this general assembly.

The sad news will spread throughout his native State with painful effect. It will be heard throughout the Southern Confederacy with deep and abiding sorrow.

He has filled a large space in the history of his country. Heaven has blessed him with length of days and his country with all her honors.

He has secured, we believe, a blissful immortality. For the page of history his fame is destined to occupy, it is proper briefly to recount the many offices he has filled. From youthful manhood to green old age he has served his country faithfully, as a member of the house of delegates, where his ripening intellect displayed the promise of usefulness and attracted attention; as a member of the executive council, where his wholesome advice lent wisdom to authority; as the governor of this Commonwealth, where his administrative powers gave efficacy to law and his execution of the will of the people, expressed by their representatives, was rendered pleasant by kindness and courtesy; as a member of the first convention called to

amend the State constitution, in which body his ripened experience gave his counsel the force of wisdom and prudence; as a member of the House of Representatives of the United States, standing firm amid the rage of party spirit and remaining true to principle and to right; as a Senator, representing this State in the Senate of the United States, in which he shone conspicuous for his strict adherence to constitutional obligation and for his manly defense of the rights of the States and the honor of the country; as Vice-President of the United States, presiding over the deliberations of the Senate with dignity and impartiality, preserving the decorum of a body that then was a model for legislative assemblies; as President of the United States, when the national honor and reputation were acknowledged unimpeached and unimpaired in every land, and the powers of the earth looked up to the new Government as an exemplar of morals and of power worthy of respect and imitation.

He thus, step by step, ascended to the eminence from which he surveyed his country peaceful and glorious, and calmly retired in dignity to a private station, happy in the contemplation of a bright career, happy in a refined and prosperous home, happy in the circle of family and friends.

His State called him again into her service. She was to be assembled in convention to resist oppression and to withstand a galling tyranny against which her best men chafed. His services were invoked to aid in maintaining the high position she had theretofore occupied. He came from his retirement. He advised separation in peace, or war to vindicate her honor. He was again selected a commissioner to tender to the Government at Washington the terms upon which Virginia would remain united with her former sisters. He was honored with the presidency of that peace conference. His manly appeals for justice were uttered and unheeded. He returned and recommended separation and independence. His advice was taken. It became necessary to form and establish another government for the new Confederacy. He was appointed by the sovereign convention of Virginia a member of the Provisional Congress. While occupying a conspicuous place in the eyes of the Confederacy, and the new Government was assuming its permanent basis, he was elected by the people a member to the first House of Representatives of the Confederate States, with a fair promise still of usefulness, to stamp his wisdom upon the enduring monuments of a new national existence.

But it pleased the Almighty to check his career and take him to Himself.

Such is the brief outline of the public life of John Tyler. In private he was the perfect gentleman, the warm-hearted, affectionate, social, and delightful companion. It may be said of him, his kind hand ministered to the wants of the distressed.

*Resolved by the general assembly,* As a testimonial of a nation's sorrow for the death of a great and good man, that a joint committee of the senate and house of delegates be appointed to confer with a committee of the Congress of the Confederate States to make arrangements for his funeral and burial.

*Resolved,* That, with the consent of his family, his remains be deposited in Hollywood Cemetery, in the city of Richmond, near the remains of James Monroe, and that the governor of this State be authorized to cause a suitable monument to be erected to his memory.

*Resolved,* That these resolutions be forthwith communicated by the speaker of the house of delegates to the Congress of the Confederate States, with a request that they concur therein.

Unanimously agreed to by house of delegates, January 18, 1862.

WM. F. GORDON, JR.,  
*Clerk House of Delegates.*

Unanimously agreed to by senate, January 18, 1862.

SHELTON C. DAVIS,  
*Clerk of Senate.*

Committee appointed on the part of the house of delegates:

Messrs. Barbour, Newton, Anderson of Botetourt, Hunter, Sheffey, Blue, McCamant, Rives, Jones, Saunders of Franklin, Mallory, and Grattan.

W. F. GORDON, JR.,  
*Clerk House of Delegates.*

Committee appointed on the part of the senate:

Messrs. Branch, Robertson, Collier, Isbell, Newman, Johnson, and Wiley.

S. C. DAVIS, *Clerk of Senate.*

JANUARY 18, 1862.

Mr. Bocoock offered the following resolution; which was read and agreed to, to wit:

That the communication just read, together with the accompanying proceedings of the general assembly of Virginia, be spread upon the Journals of Congress, and



that the Committee of Arrangements of this body be directed to invite the cooperation of the committee of the general assembly of the State of Virginia in arranging for the funeral of the deceased.

The Chair announced the following as the committee under the resolution of Mr. Macfarland:

Messrs. Bocock of Virginia, Curry of Alabama, Johnson of Arkansas, Ward of Florida, Crawford of Georgia, H. C. Burnett of Kentucky, Conrad of Louisiana, Harris of Mississippi, Bell of Missouri, Smith of North Carolina, Boyce of South Carolina, Atkins of Tennessee, and Oldham of Texas.

The question then recurring upon agreeing to the resolutions of Mr. Macfarland, and the same having been seconded by Messrs. Hunter, Rives, Wigfall, Venable, and Rhett, the vote was taken, and the resolutions were unanimously adopted.

And the Chair declared the Congress adjourned until 12 o'clock m. to-morrow.

#### FORTY-NINTH DAY—TUESDAY, JANUARY 21, 1862.

##### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then proceeded to attend the funeral obsequies of John Tyler, deceased, late a Delegate from the State of Virginia; and having returned to the Hall,

On motion of Mr. Bocock,

Congress adjourned until 12 o'clock m. to-morrow.

#### FIFTIETH DAY—WEDNESDAY, JANUARY 22, 1862.

##### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Seeley.

Mr. Clark announced the presence of R. L. Y. Peyton, a Delegate-elect from the State of Missouri, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

##### SECRET SESSION.

Congress being in secret session,

The Chair presented a communication from the governor of Virginia; which was read, and is as follows, to wit:

EXECUTIVE DEPARTMENT, *January 20, 1862.*

*Gentlemen of the Provisional Congress:*

In conformity with a request of the general assembly of Virginia, I transmit to you joint resolutions relative to the jurisdiction of Virginia adopted by the senate on the 16th and by the house of delegates on the 17th instant, as certified in due form by the clerks of the respective bodies.

Respectfully,

JOHN LETCHER.

Joint resolutions.

Whereas the public enemy, invited by domestic foes, being in power within some of the counties in Virginia, where they are confiscating the property of loyal citizens and otherwise oppressing them in a cruel manner; and

Whereas the traitors there, contemplating a division of this time-honored Commonwealth, with the aid of this public enemy, have set up a pretended government over the same, which under the force of circumstances, could not be prevented by the timely sending of an adequate military force; and

Whereas the legislature desires to reassure all loyal citizens throughout the Commonwealth of their desire and intention to protect them: Therefore,

(1) *Resolved by the senate and house of delegates*, That in no event will the State of Virginia submit to or consent to the loss of a foot of her soil: That it is the firm determination of the State, and known to be that of the Confederate Government, to assert and maintain the jurisdiction and sovereignty of the State of Virginia, to the uttermost limits of her ancient boundaries, at any and every cost.

(2) That the governor be requested to present a copy of these resolutions, properly certified, to the Provisional Congress, now in session, and to the permanent Congress to convene on the 22d of February, for their approval.

Agreed to by the senate, January 16, 1862.

SHELTON C. DAVIS,  
*Clerk of Senate.*

Agreed to by the house of delegates, January 17, 1862.

WM. F. GORDON, JR.,  
*Clerk House of Delegates.*

Mr. Rhett offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That Congress heartily approves of the resolutions passed by the legislature of Virginia, expressing her determination to vindicate the integrity of her ancient boundary, and pledges all the resources of the Confederacy to uphold her determination.

Mr. Rhett moved that a copy of the foregoing resolution be served on the governor of Virginia to lay before the legislature.

The motion was agreed to.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act for the relief of A. B. Noyes, collector of the port of St. Marks, Fla.;

An act to authorize the appointment of officers of artillery in the Provisional Army and in the Volunteer Corps;

An act for the relief of Dillon Jordan and F. Glackmeyer;

An act to amend an act entitled "An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs," approved on the 21st day of May, 1861; and

An act to amend an act entitled "An act to collect for distribution the money remaining in the several post-offices of the Confederate States at the time the postal service was taken in charge by said Government," approved August 30, 1861.

The Chair presented a communication from the Secretary of the Treasury in response to a resolution of Congress relative to the produce loan; which was read and, together with the accompanying documents, was referred to the Committee on Finance and ordered to be printed.

Mr. T. R. R. Cobb offered

A resolution in reference to the arms of volunteers for twelve months; which was read first and second times, engrossed, read third time, and passed.

Mr. Harris of Mississippi introduced

A bill to provide for recruiting companies now in the Confederate service for twelve months;

which was read first and second times and referred to the Committee on Military Affairs.

Mr. Smith of North Carolina presented a memorial; which was referred to the Committee on Postal Affairs, without being read.

EXECUTIVE DEPARTMENT,  
*Richmond, January 22, 1862.*

*Mr. President:* The President, on Saturday, the 18th instant, approved and signed An act to organize the Territory of Arizona.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Rhett offered

A resolution instructing the Committee on Military Affairs to inquire into the tenure of the command of brigadier-generals; which was read and agreed to.

Mr. Memminger presented sundry petitions of citizens of South Carolina; which were referred to the Committee on the Judiciary, without being read.

Mr. Hale, from the Committee on Military Affairs, reported and recommended the passage of

A bill to promote the efficiency of the Military Corps and to create a corps of military nurses;

which was read first and second times and, on motion of Mr. Barnwell, was placed on the Calendar and ordered to be printed.

Mr. Hale, from the same committee, to whom was recommitted the report of the Secretary of War, reported the same back, with the recommendation that all of the same be printed except a portion of the "fifth clause;" which was agreed to.

Mr. Avery introduced

A bill to amend an act to provide for the public defense, approved March 6, 1861;

which was read first and second times and referred to the Committee on Military Affairs.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

The Chair presented a communication from the Secretary of the Treasury, transmitting certain estimates; which were read and referred to the Committee on Finance.

Mr. Chilton moved to postpone the consideration of the unfinished business, for the purpose of considering the motion of Mr. Crawford to reconsider the vote on the passage of

A bill to increase the clerical force of the Post-Office Department.

The motion was agreed to.

And the vote being taken, the motion of Mr. Crawford to reconsider prevailed.

Mr. Chilton then moved to reconsider the vote by which Congress ordered the bill to be engrossed for a third reading.

The motion was agreed to.

Mr. Chilton moved to amend by adding at the end of the bill the following words, to wit:

and said clerk shall be subject to all the pains and penalties for violating the franking privilege now provided by law with respect to other officers entitled to such privilege.

The amendment was agreed to.

Mr. Reagan moved to amend by adding as an additional section to the bill the following, to wit:

*Be it further enacted*, That the Postmaster-General be, and he is hereby, authorized to appoint one additional messenger for the Post-Office Department, at a compensation not exceeding five hundred dollars per annum, and two additional laborers, at a compensation not exceeding one dollar and a half per day.

The amendment was agreed to.

And the bill as amended was engrossed, read a third time, and passed.

Congress then proceeded to the consideration of the unfinished business; which was the consideration of the amendment of Mr. Bass to the first section of

A bill to provide for granting furloughs in certain cases.

And the vote having been taken, the amendment was agreed to.

Mr. H. C. Burnett moved to reconsider the vote by which the amendment of Mr. Waul was adopted.

The motion to reconsider prevailed, and the question being upon agreeing to the amendment, the vote was taken, and the same was not agreed to.

Congress then proceeded to the consideration of the second section of the bill;

When,

Mr. Smith of North Carolina moved to amend by striking out the following words, to wit:

That it is indispensable to the pecuniary or family interests of said private or non-commissioned officer that he should visit home,

And to insert in lieu thereof the words "His temporary absence is necessary."

The amendment was not agreed to.

Mr. Conrad moved to amend by inserting after the word "may" the words "at his discretion."

The amendment was agreed to.

Mr. Foreman moved to amend by adding as an additional section to the bill the following, to wit:

In all cases where furloughs shall be granted under this act the notice of such furloughs required by existing regulations shall be given.

The amendment was agreed to.

By general consent, Congress returned to the consideration of the first section of the bill;

When,

Mr. Conrad moved to amend by inserting after the word "will" the words "in his opinion."

The amendment was agreed to.

And the bill as amended was engrossed, read a third time, and passed.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution in reference to the arms of the volunteers for twelve months.

Congress then proceeded to the consideration of

A bill to alter and amend an act for the sequestration of the estates, property, and effects of alien enemies, and for the indemnity of citizens of the Confederate States and persons aiding the same in the existing war with the United States, approved August 30, 1861.



And the first section of the same being under consideration; which is as follows, to wit:

SECTION 1. *The Congress of the Confederate States do enact*, That all and every the lands, tenements and hereditaments, goods and chattels, rights and credits, and every right and interest therein embraced by said act of sequestration, of which this act is an alteration and amendment, are hereby declared confiscated, except so far as the same are hereafter excepted by this act, and all such property shall on the rendition of the decree of confiscation be sold as provided for in this act and the proceeds paid into the Treasury of the Confederate States; but nothing in this act shall be construed to authorize the sale of any mere indebtedness by those in action to any alien enemy embraced by this act and the one to which it is amendatory. And said act to which this is an amendment shall not be construed to except from its operation any public securities of this Confederacy or of any State therein held by or for an alien enemy, within the meaning of this act, except bond securities and such debts or obligations as said Confederacy or State shall have contracted or may contract directly with an alien enemy, and which has not been by such contracting party disposed of to another alien enemy; but nothing herein contained shall prevent the legal representative of such contracting party, after his decease, from having and receiving all the rights hereby secured to the contracting party.

Mr. Toombs moved to amend by striking out the same from the bill.

EXECUTIVE DEPARTMENT,  
*Richmond, January 22, 1862.*

*Mr. President:* The President has this day approved and signed

An act to authorize the appointment of officers of artillery in the Provisional Army and in the Volunteer Corps; also

A resolution in reference to the arms of the volunteers for twelve months.

ROBERT JOSSELYN,  
*Private Secretary.*

On motion of Mr. Macfarland,

Congress then adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION. \*

Congress being in executive session,

The Chair laid before Congress the following message from the President:

*RICHMOND, January 13, 1862.*

*To the Congress of the Confederate States:*

In consequence of the resignation of Lient. Col. James W. Scaife, of the Second Arkansas Regiment, which will necessitate an entire change in the field officers of that regiment, I desire to withdraw the following names nominated for it on the list:

Colonel—James W. Scaife.

Lieutenant-colonel—Daniel C. Govan.

Major—Renben F. Harvey.

JEFFERSON DAVIS.

Mr. Venable moved that leave be granted to withdraw the said nominations; which was agreed to.

Mr. House moved to reconsider the motion of Mr. Johnson of Arkansas to reconsider the above nominations; which was agreed to.

The Chair presented a message from the President, nominating officers in Arkansas regiment; which was referred to the Committee on Military Affairs.

The Chair also presented the following communication from the President:

EXECUTIVE DEPARTMENT,  
*Richmond, January 15, 1862.*

*To the Confederate Congress:*

I herewith nominate the annexed list of district attorneys and marshals, as recommended by the Attorney-General.

JEFFERSON DAVIS.

## FOR THE EASTERN DISTRICT, TENNESSEE.

District attorney—J. C. Ramsey, Knoxville.  
 Marshal—J. Hamilton Hale, Rogersville.

## FOR THE MIDDLE DISTRICT, TENNESSEE.

District attorney—John L. Sehon, Nashville.  
 Marshal—Jesse B. Clements, Nashville.

## FOR THE WESTERN DISTRICT, TENNESSEE.

District attorney—B. M. Estes, Memphis.  
 Marshal—W. W. Gates, Jackson.

which was referred to the Judiciary Committee.

Congress then resumed business in legislative session.

## FIFTY-FIRST DAY—THURSDAY, JANUARY 23, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Seeley.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. Monroe introduced

A bill to provide for the appointment of the ministerial officers of the board of commissioners, etc.;

which was read first and second times, ordered to be printed, and referred to Committee on Judiciary.

Mr. Conrad introduced

A bill to amend an act supplementary to an act to establish the judicial courts of the Confederate States of America, approved May 24 1861;

which was read first and second times and referred to the Committee on the Judiciary.

Mr. T. R. R. Cobb introduced the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Printing prepare and report to Congress a proper bill providing for the immediate publication of the laws passed by the Provisional Congress, the Journal of the Convention, and the Journal of the secret proceedings of this Congress.

Mr. Atkins introduced

A bill in relation to Volunteer Corps of the Provisional Army, to be raised in the border States, to serve during the war;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Crawford, from the Committee on Commerce, to whom was referred

A resolution of inquiry as to a change in the weights and measures of the Confederacy,

reported the same back, with the recommendation that it lie on the table; which was agreed to.

Mr. Hale, from the Committee on Military Affairs, to whom was referred

A bill to provide for recruiting companies in the service of the Confederate States for twelve months,  
reported the same back, with the recommendation that it do pass.

On motion, the bill was placed on the Calendar and ordered to be printed.

Mr. Hale, from the Committee on Military Affairs, to whom was referred a resolution with instructions to report a bill to amend an act of March 6, 1861, in reference to horses lost in the service, have had the same under consideration and instruct me to report the accompanying bill, but that it is inexpedient to pass the same.

The bill having received its first and second readings,

Mr. Thomason moved that the bill be placed on the Calendar and printed.

Mr. Atkins moved to recommit the bill to the committee.

Mr. Rust moved to postpone the consideration of the same indefinitely; upon which motion Mr. T. R. R. Cobb, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Messrs. Johnson, Rust, Garland, and Watkins.

Florida—Nay: Mr. Ward.

Georgia—Yea: Messrs. Toombs, Foreman, Crawford, Hill, and Kenan. Nay: Messrs. Howell Cobb, Bass, and T. R. R. Cobb.

Kentucky—Yea: Messrs. Monroe, Johnson, and Elliott. Nay: Messrs. H. C. Burnett, Thomas, White, and Ford.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Harris, Conrow, and Freeman. Nay: Messrs. Peyton, Cooke, and Vest.

North Carolina—Yea: Messrs. Davis, Avery, Smith, Ruffin, Venable, Morehead, Craige, and Davidson. Nay: Mr. McDowell.

South Carolina—Yea: Messrs. Barnwell and Boyce.

Tennessee—Yea: Messrs. House, Jones, and Currin. Nay: Messrs. Atkins and De Witt.

Texas—Yea: Messrs. Reagan, Waul, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, and Rives. Nay: Messrs. Bocoock, Boteler, Brockenbrough, Russell, and Walter Preston.

Yea: Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas, 10.

Nay: Florida, Kentucky, and Virginia, 3.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to authorize the President to call upon the several States for troops to serve for three years or during the war.

EXECUTIVE DEPARTMENT,

Richmond, January 23, 1862.

*Mr. President:* The President, on yesterday, approved and signed

An act to amend an act entitled "An act to raise an additional military force to serve during the war," approved May 8, 1861, and for other purposes.

The President has this day approved and signed

An act for the relief of A. B. Noyes, collector of the port of St. Marks, Fla.;

An act for the relief of Dillon Jordan and F. Glackmeyer; also

An act to amend an act entitled "An act to collect for distribution the money remaining in the several post-offices of the Confederate States at the time the postal service was taken in charge by said Government," approved August 30, 1861.

ROBERT JOSSELYN,  
*Private Secretary.*

The Chair presented a message from the President; which was read, and is as follows, to wit:

EXECUTIVE OFFICE, *January 22, 1862.*

*To the Congress of the Confederate States:*

After mature consideration of the bill to encourage the manufacture of small arms, saltpeter, and of gunpowder within the Confederate States, I felt constrained to return it with the following statement of objections:

By its provisions the bill deprives the Executive of the discretionary power to protect the Government against unnecessary or improvident contracts, and confers upon individuals who may propose to furnish to the Government any of the supplies enumerated the right to demand that their proposition shall be accepted and that 50 per cent of the amount proposed to be invested shall be paid from the public Treasury, without any other condition than that the person making such proposition shall have actually expended in the prosecution of the proposed work one-fourth of the capital to be invested in it, and that his undertaking shall not be, in the opinion of the Secretary of War, visionary or impracticable, or at points too remote for the advantage of the Confederacy. As an example of the disadvantageous operation of the bill herewith returned, the attention of Congress is called to the contemplated case of the manufacture of gunpowder. Our present necessity is not for an increase of powder mills, but for a supply of the material for the manufacture of gunpowder. The mills now in existence and which could be readily put to work far exceed in their capacity to manufacture our ability to supply the requisite material. Yet under the operation of this bill it would follow that anyone who should propose to establish a powder mill upon unobjectionable locality and that he had invested one-fourth the capital to be employed would be entitled to claim an advance equal to 50 per cent of that amount for a work which the Government did not require, and which, as there is no limitation of time for the fulfillment of his contract, could not be pronounced visionary or impracticable. The power already exists to make advances equal to thirty-three and a third per cent on contracts for arms or munitions of war, and experience has not shown that any larger advance is necessary to stimulate the undertaking of such contracts; on the contrary, it has not yet been found necessary in a single instance to make advances to the full amount now permitted by law. The requirement of the bill that liberal profits shall be granted and an extraordinary advance be made, coupled with the absence of any Executive discretion to refuse any contract proposed for the supplies mentioned in the bill, would inevitably expose the Treasury to heavy drafts from the class of speculating contractors.

I regret that these features of the bill compel its return, as some of its provisions would be valuable adjuncts to existing legislation in enabling the Government to aid in the establishment of manufactures of arms and the creation of artificial saltpeter beds.

JEFFERSON DAVIS.

On motion of Mr. Smith, the further consideration of the bill was postponed for the present.

The Chair presented a message from the President; which was read, and is as follows, to wit:

EXECUTIVE OFFICE,  
*Richmond, January 22, 1862.*

*To the Congress of the Confederate States:*

I have considered a bill to authorize the Secretary of War to receive into the service of the Confederate States a regiment of volunteers for the protection of the frontier of Texas and herewith return it to the Congress with a statement of my objections, which are respectfully submitted to consideration.

The bill provides that a regiment of volunteers is to be raised by the State of Texas, under the provisions of an act of the legislature of said State, and directs that the Secretary of War shall receive the regiment to be so raised and incorporate it into the Provisional Army of the Confederate States.

By reference to the act of the legislature of Texas, a copy of which accompanied



the bill, it appears that all that discretion and control which of necessity is vested in the Executive of the Confederate States over all troops employed in their service are withheld by the act, the provisions of which are adopted in your bill, the posting and movement of the troops being therein confided to the governor of the State under the plan of the legislature.

There are other objections, which are mainly important because they disturb the uniformity and complicate the system of military administration prescribed by the laws of the Confederate States.

Unity and cooperation by the troops of all the States are indispensable to success, and I must view with regret this as all other indications of a purpose to divide the power of the States by dividing the means to be employed in efforts to carry on separate operations; but if in any case it be advisable that such separate action should be taken, it seems to me palpably clear that it should be a charge against the individual State rather than upon the common Treasury of the Confederate States.

JEFFERSON DAVIS.

On motion of Mr. Ochiltree, the consideration of the bill was postponed for the present.

The Chair presented a message from the President; which was read, and is as follows, to wit:

EXECUTIVE OFFICE, *January 22, 1862.*

*To the Congress of the Confederate States:*

After mature deliberation I have not been able to approve the bill, herewith returned, entitled "An act to provide for raising and organizing, in the State of Missouri, additional forces for the Provisional Army of the Confederate States."

In a message just submitted to the Congress in relation to certain forces to be raised in the State of Texas, I have stated the objections entertained to any legislative discrimination for or against a particular State, thereby disturbing the harmony of the system adopted for the common defense. In a bill very recently passed by the Congress a new plan has been established for raising and organizing troops for the Confederate service. By the provisions of this last-mentioned law you have given me authority to raise and organize troops in all the States, by granting commissions, in advance of the actual enlistment of the troops, to officers below the grade of general officers and above that of subalterns. To the officers thus commissioned you do not give any pay or allowances until the actual organization of the companies, battalions, or regiments that the officers so commissioned were empowered to raise; and you do not allow pay, but have even prohibited the allowance of subsistence or transportation to the men enrolled in order to enable them to reach the rendezvous of their companies. By the terms of the bill now returned an exception is made in favor of the State of Missouri alone. By the provisions of the bill it is contemplated that advance commissions shall be granted to officers of all grades, from the highest general officer of the Provisional Army to the lowest subaltern of a company, and that the officers, whether of the staff or the line, thus appointed shall receive pay from the date of their respective appointments, without any condition rendering this pay dependent on their success in raising the troops.

The general bill which has now become a law, applicable to Missouri as to all the other States, fixes a reasonable term within which officers commissioned in advance must succeed in raising troops, under penalty of forfeiting their commissions. The present bill removes this salutary restriction, and vests in the Executive the dangerous power, not only of appointing, at his discretion, an unlimited number of military officers, irrespective of any troops to be commanded by them, but allows him to retain the officers so appointed in the public service, at the public expense, during the Executive pleasure. I am not able to perceive, in the present condition of public affairs in the State of Missouri, the necessity, which would form the only possible excuse, for a grant of such power to a constitutional executive. I receive assurances from those whose sources of information are entirely reliable that the raising and organization of troops in Missouri for service in the Confederate Army are successfully progressing, and that within a very few days the muster rolls will be received, thus placing it in my power to organize the army in that State on precisely the same footing as in all the others, and thus avoid any need for exceptional legislation.

In addition to these objections, founded in principle, there would be a practical difficulty in the operation of the bill, which appears insurmountable. All the troops now in service in the State of Missouri are State troops, commanded by State officers, which have never been tendered or received in the Confederate service.

In exercising the power of appointment proposed to be vested in me by the bill, the best hope for success in its purpose would be founded on selecting those officers who had distinguished themselves in command and had become endeared to the troops. But this would be to deprive the State troops of their commanding officers

during the whole period necessary for the enrollment and organization of the troops under Confederate laws. Missouri would thus be left comparatively defenseless whilst the reorganization was progressing. Therefore, regarding this bill as impolitic and unnecessary, it is submitted for your reconsideration.

JEFFERSON DAVIS.

On motion of Mr. Clark, the consideration of the bill was postponed for the present.

On motion of Mr. Barnwell, the messages of the President and the accompanying bills were ordered to be printed for the use of the House.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the motion of Mr. Toombs to strike out the first section of a bill to amend the sequestration act.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to increase the clerical force of the Post-Office Department.

EXECUTIVE DEPARTMENT,  
*Richmond, January 23, 1862.*

*Mr. President:* The President has this day approved and signed

An act to amend an act entitled "An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs," approved on the 21st day of May, 1861; also

An act to authorize the President to call upon the several States for troops to serve for three years or during the war.

ROBERT JOSSELYN,  
*Private Secretary.*

EXECUTIVE DEPARTMENT,  
*Richmond, January 23, 1862.*

*Mr. President:* The President has this day signed and approved

An act to increase the clerical force of the Post-Office Department.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Atkins moved to postpone the further consideration of the unfinished business.

The motion did not prevail.

Mr. Orr moved to postpone the further consideration of the unfinished business until 7 o'clock p. m.:

When,

On motion of Mr. Curry.

Congress adjourned until 12 o'clock m. to-morrow.

## FIFTY-SECOND DAY—FRIDAY, JANUARY 24, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Seeley.

The Chair presented the following communication; which was read and laid on the table, and is as follows, to wit:

BURTON, ALA., *January 13, 1862.*

*To the President of the Provisional Congress:*

Private matters, urgent in their character, and the apprehension that my health (never good) may be injured by a trip to Richmond in midwinter, together with the fact that the Congress, under the permanent Constitution, will soon convene, induce me to resign my seat in the Provisional Congress.

Respectfully,

C. ROBINSON.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. Barnwell, at the instance of the State of South Carolina, moved to reconsider the vote by which the Congress agreed to

A resolution instructing the Committee on Printing to cause to have printed immediately the Journals, laws, and secret proceedings of Congress.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for granting furloughs in certain cases.

The Chair presented a communication from the Commissioner of Patents, under a law of the Congress; which was referred to the Committee on Patents, without being read.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Conrad presented a memorial from sundry citizens of New Orleans; which was read and referred to the Committee on Commerce.

Mr. Perkins introduced

A bill to establish a passport office near the seat of government; which was read first and second times and referred to the Committee on Foreign Affairs.

On motion of Mr. Perkins, a bill on the Calendar entitled

An act to prevent improper communication with the enemy, by bill or otherwise,  
be referred to the same committee.

Mr. Davidson presented the memorial of Barbee Carroll; which was referred to the Committee on the Judiciary, without being read.

Mr. Johnson of Arkansas introduced

A bill to amend an act to provide for the safe custody, printing, and publication of the laws, and to provide for the appointment of an additional clerk in the Department of Justice, approved 5th August, 1861; which was read first and second times and referred to the Committee on the Judiciary.

Mr. Bocoek offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of Congress be instructed to pay out of the contingent fund the funeral expenses of John Tyler, late a member of this Congress from the State of Virginia: *Provided*, That no account be paid until it shall be examined and allowed by the Committee of Arrangements.

On motion of Mr. Bocoek, a resolution relative to a change of weights and measures of the Confederacy, reported back from the Committee on Commerce and laid on the table, was referred to the Special Committee on Commercial and Financial Independence.

Mr. Johnston of Virginia introduced

A resolution instructing the Committee on Military Affairs to inquire what legislation is necessary to enable the Secretary of War to furnish prisoners of war with clothing;  
which was read and agreed to.

The Chair presented a message from the President; which was read, and is as follows, to wit:

EXECUTIVE OFFICE, January 23, 1862.

To the Hon. HOWELL COBB,

*President of the Provisional Congress.*

SIR: I return to you an act entitled "An act to provide for raising and organizing, in the State of Missouri, additional troops for the Provisional Army of the

Confederate States," indorsed, passed January 9, 1862, and delivered to me probably on the 10th of January, 1862. After its delivery I was informed by the Clerk that it had been reconsidered and substituted by an act entitled "An act to provide for raising and organizing, in the State of Missouri, additional forces for the Provisional Army of the Confederate States," which was in many respects similar in its provisions, and which was this day returned with my objections.

Regarding the first act as having been abrogated by Congress, I took no action upon it, but to-day I am informed by the Secretary of Congress that the record of the reconsideration is not to be found on the Journals. Ten days having now elapsed since the act was sent to me, I am precluded from doing anything with it, except to transmit it to you with a statement of the circumstances which caused me to regard the paper as invalid and not requiring consideration or action on my part.

JEFFERSON DAVIS.

On motion of Mr. Clark, the consideration of the message was postponed for the present.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Barnwell, from the Committee on Finance, to whom was referred

A bill to pledge the credit of the Confederate States of America for certain bonds of the State of Missouri, reported the same back, with the recommendation that it pass, with an amendment; which is as follows, to wit:

To strike out the whole of the original bill after the enacting clause and to insert in lieu thereof the following, to wit:

*The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury is hereby directed to issue to the State of Missouri, upon the application of the fund commissioners for said State, one million dollars in Treasury notes, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the legislature of said State, entitled "An act to provide for the defense of said State, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for advances made for military purposes are adjusted as Congress may direct.

2. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States, the sum hereby advanced shall be deducted from the amount found due to said State.

3. The sum hereby appropriated shall be applied by the State of Missouri to the payment of troops in the service of the said State prior to their muster into the Confederate service.

The amendment was agreed to.

And the bill as amended was engrossed, read third time, and passed.

On motion of Mr. Barnwell, the title was amended by striking out the whole of the original and inserting in lieu thereof the following, to wit:

An act for the relief of the State of Missouri.

Mr. Barnwell, from the same committee, reported and recommended the passage of

A bill to establish an assay office at New Orleans; which was read first and second times, engrossed, read third time, and passed.

Also, a bill appropriating \$850,000 to pay for ordnance, ordnance stores, and equipments, and estimates to 1st of April; which was read first and second times, engrossed, read third time, and passed.

Mr. Crawford, from the Committee on Commerce, reported back and recommended the passage of

A bill to authorize the change of the names of vessels in certain cases; which was engrossed, read a third time, and passed.



Mr. Avery, from the Committee on Military Affairs, to whom was referred the message of the President relative to the completion of the railroad from Selma, Ala., to Meridian, Miss., reported

A bill to provide for the completion of the railroad connection from Selma, Ala., to Meridian, in Mississippi; which was read first and second times, placed on the Calendar, and ordered to be printed, together with the message of the President relating thereto.

Also, a bill to provide for the construction of rolling mills, locomotives, and engines for naval purposes; which was read first and second times, was placed on the Calendar, and, together with the accompanying message of the President, was ordered to be printed.

On motion of Mr. Avery, the report of Colonel Ashe and the resolutions of certain railroad corporations, accompanying the message of the President, were ordered to be printed.

Mr. Campbell, from the Committee on Territories, reported and recommended the passage of the following resolution: which was read and agreed to, to wit:

*Resolved*, That G. H. Oury be admitted to a seat upon this floor as a Delegate from the Territory of Arizona.

Mr. Perkins, from the Committee on Printing, to whom was referred a copy of a letter from the Secretary of the Treasury, addressed to the president and directors of the Bank of New Orleans, together with two other letters, addressed to Governor Moore, of Louisiana, and to the attorney-general, asking their cooperation with the Confederate Government in inducing the banks of Louisiana to suspend specie payments, reported that they had had under consideration the propriety of printing the same, and believing that to be the only question submitted to them, recommended that the same be not published; which was agreed to.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the motion of Mr. Toombs to strike out the first section of a bill to amend the sequestration act.

Mr. Campbell announced the presence of Mr. Oury, a Delegate-elect from the Territory of Arizona, who came forward, was duly qualified, and took his seat.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Congress, on motion of Mr. Chilton,  
Adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented the following message from the President:

RICHMOND, January 24, 1862.

*To the Congress of the Confederate States:*

I nominate the officer on the accompanying letter to the rank affixed to his name, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

B. R. Johnson, of Tennessee, as brigadier-general in the Provisional Army of the Confederate States of America, to take rank from date of confirmation.

which was referred to the Military Committee, subsequently reconsidered, and B. R. Johnson confirmed.

Also, the following communication from the President:

RICHMOND, January 23, 1862.

*To the Congress of the Confederate States:*

The nomination of Reuben R. Ross, as lieutenant-colonel of the Eighth Kentucky Regiment, sent to Congress on the list of December 17, 1861, not having been acted on, I desire to withdraw the same and to nominate H. B. Lyon, as lieutenant-colonel of the Eighth Kentucky Regiment, to take rank from the date of confirmation.

JEFFERSON DAVIS.

Mr. Maul moved that Congress consent to the withdrawal of the nomination of Reuben R. Ross.

The motion prevailed; and

H. B. Lyon was confirmed as lieutenant-colonel of the Eighth Kentucky Regiment.

The Chair also presented the following communication from the President:

RICHMOND, January 24, 1862.

*To the Congress of the Confederate States:*

I desire to withdraw the name of Seth M. Barton, of Virginia, nominated to Congress for confirmation as brigadier-general, on the list dated January 16, 1862.

JEFFERSON DAVIS.

Mr. Rhett moved that Congress consent to the withdrawal of the said nomination.

The motion prevailed.

The Chair presented the following message from the President, nominating officers in the Provisional Army of the Confederate States:

RICHMOND, January 24, 1862.

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

TENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Lieutenant-colonel.*

J. J. Woodward, of Alabama, to take rank December 20, 1861.

*Major.*

W. H. Forney, of Alabama, to take rank December 20, 1861.

SIXTEENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

W. B. Wood, of Alabama, to take rank August 15, 1861.

*Lieutenant-colonel.*

John W. Harris, of Alabama, to take rank August 15, 1861.

*Major.*

Alexander H. Helvenston, of Alabama, to take rank August 15, 1861.

TWENTY-FIFTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

J. Q. Loomis, of Alabama, to take rank January 8, 1862.

*Lieutenant-colonel.*

W. B. McClellan, of Alabama, to take rank January 8, 1862.

*Major.*

George D. Johnston, of Alabama, to take rank January 8, 1862.

FIFTH ALABAMA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

Nicholas Davis, of Alabama, to take rank November 25, 1861.

*Major.*

W. D. Chadick, of Alabama, to take rank October 29, 1861.

FIRST FLORIDA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

Joseph Finegan, of Florida, to take rank January 14, 1862.

EIGHTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

L. M. Lamar, of Georgia, to take rank November 14, 1861.

*Lieutenant-colonel.*

John R. Towers, of Georgia, to take rank November 14, 1861.

*Major.*

E. J. Magruder, of Georgia, to take rank November 14, 1861.

THIRTEENTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Walton Ector, of Georgia, to take rank July 8, 1861.

*Lieutenant-colonel.*

Marcellus Douglass, of Georgia, to take rank July 8, 1861.

*Major.*

James M. Smith, of Georgia, to take rank July 8, 1861.

THIRTY-FIFTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

E. L. Thomas, of Georgia, to take rank October 15, 1861.

*Lieutenant-colonel.*

Gustavus A. Bull, of Georgia, to take rank October 15, 1861.

*Major.*

Bolling H. Holt, of Georgia, to take rank October 15, 1861.

## FOURTH LOUISIANA BATTALION, PROVISIONAL ARMY.

*Major.*

John McEnery, of Louisiana, to take rank January 10, 1862.

## ZOUAVE BATTALION, LOUISIANA, PROVISIONAL ARMY.

*Second lieutenants.*

Jules Dupuy, of Louisiana, to take rank December 3, 1861; Eugene Hardy, of Louisiana, to take rank January 13, 1862.

## TWENTY-FIFTH MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John D. Martin, of Mississippi, to take rank August 10, 1861.

*Lieutenant-colonel.*

Edward F. McGehee, of Mississippi, to take rank August 10, 1861.

*Major.*

T. H. Mangum, of Mississippi, to take rank August 10, 1861.

*Brigade quartermasters, with rank of major.*

Henry Hill, of Virginia; W. H. Govan, of Arkansas; William F. Nance, of South Carolina; P. M. Leath, of Kentucky; J. L. Morgan, of ———; David Sullens, of Tennessee; L. O. Bridewell, of Arkansas; A. H. Cole, of Florida.

*Assistant quartermasters, with rank of captain.*

W. M. Cargill, of Kentucky; John Sinclair, of Virginia; J. M. Adams, of South Carolina; Robert W. Reed, of Virginia; W. S. Rogers, of Kentucky; William A. Eliason, of North Carolina; A. M. Ward, of Arkansas; H. S. Crawford, of Georgia; Napoleon B. Mardis, of Alabama; William M. Harrison, of Texas; James F. Gresham, of Mississippi; Jerome C. Cornwell, of Tennessee; A. Coppens, of Louisiana; William M. Price, of Arkansas; William W. West, of Texas; C. G. Merritt, of Virginia; R. M. Mason, of Tennessee; Giles L. Cobb, of Kentucky; S. F. Turbeville, of Tennessee; R. A. Hutcherson, of Tennessee; T. H. Tutwiler, of Virginia.

*Brigade commissaries, with rank of major.*

Charles F. Force, of Alabama; James Dawson, of Texas; John Reid, of Missouri; John F. Edwards, of Georgia.

*Assistant commissaries, with rank of captain.*

J. H. Cowan, of Tennessee; David Lewis, of Florida; J. H. Butt, of Alabama; J. B. Read, of ———; R. E. Cowan, of Virginia; James F. Moffett, of Tennessee; John Walker, of Mississippi; William W. Fayette, of South Carolina; Wiley G. Kirby, of Tennessee; Joel J. Vandiver, of Alabama; Thomas J. Sanfley, of Texas.

*Chaplains.*

James B. Simpson, of North Carolina; Thomas Hume, of Virginia; R. F. Bunting, of Texas; H. C. Cheatham, of North Carolina.

*Adjutants, with rank of first lieutenant.*

W. H. Wall, of Mississippi, to take rank December 10, 1861; William Bell, jr., of Kentucky, to take rank December 1, 1861; E. Badger, of Florida, to take rank September 29, 1861; C. S. Douglass, of Tennessee, to take rank October 22, 1861;



W. L. Moon, of Alabama, to take rank January 13, 1862; Thomas Massenberg, of Virginia, to take rank January 4, 1862; George A. Merrick, of Arkansas, to take rank January 18, 1862; William D. Jones, of North Carolina, to take rank January 18, 1862; Jonathan Stout, of Alabama, to take rank January 18, 1862; John J. Spann, of North Carolina, to take rank January 18, 1862; A. Tunstall, jr., of Virginia, to take rank December 3, 1861; Thomas M. Scott, of Texas, to take rank November 21, 1861; Greenlee Butler, of Georgia, to take rank December 1, 1861.

*Aids-de-camp, with rank of first lieutenant.*

J. T. Tosh, of Virginia, to take rank January 4, 1862; J. Barroll Washington, of Maryland, to take rank August 31, 1861; Langdon C. Haskell, of South Carolina, to take rank January 18, 1862; Miles C. Selden, jr., of Virginia, to take rank January 22, 1862.

#### ADJUTANT-GENERAL'S DEPARTMENT.

##### *Captains.*

George G. Garrison, of Virginia, to take rank January 4, 1862; J. Shelby Williams, of Tennessee, to take rank January 10, 1862; Henry A. Whiting, of Alabama, to take rank November 28, 1861; Henry Bryan, of Virginia, to take rank January 14, 1862; Robert C. Newton, of Arkansas, to take rank December 1, 1861; Alexander C. Haskell, of South Carolina, to take rank January 18, 1862.

The communication was referred to the Committee on Military Affairs.

Mr. House moved the confirmation of J. Shelby Williams, of Tennessee, as assistant adjutant-general, with rank of captain; which was agreed to, and the nomination confirmed.

The following message was received from the President, submitting nominations for appointment in the Army of the Confederate States of America:

RICHMOND, January 24, 1862.

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

#### CORPS OF ARTILLERY.

##### *First lieutenants.*

Abner Smead, of Georgia, to take rank March 16, 1861; John O. Long, of Georgia, to take rank March 16, 1861; James H. Hill, of South Carolina, to take rank March 16, 1861; R. C. Hill, of North Carolina, to take rank March 16, 1861; F. S. Armistead, of Virginia, to take rank March 16, 1861; O. K. McLemore, of Alabama, to take rank March 16, 1861; Samuel M. Cooper, of Virginia, to take rank March 16, 1861; G. H. Hill, of North Carolina, to take rank March 16, 1861; J. R. Waddy, of Virginia, to take rank March 16, 1861; James Howard, of Maryland, to take rank March 16, 1861; A. S. Cunningham, of the District of Columbia, to take rank March 16, 1861; R. H. Anderson, of Georgia, to take rank March 16, 1861; Lafayette Peck, of Tennessee, to take rank March 16, 1861; R. K. Meade, jr., of Virginia, to take rank March 16, 1861; William Proctor Smith, of Virginia, to take rank March 16, 1861; Joseph Dixon, of Tennessee, to take rank March 16, 1861; John S. Saunders, of Virginia, to take rank March 16, 1861; Leroy Napier, jr., of Georgia, to take rank March 16, 1861; Moses H. Wright, of Tennessee, to take rank March 16, 1861; W. W. McCreery, of Virginia, to take rank March 16, 1861; Stephen D. Ramseur, of North Carolina, to take rank March 16, 1861; Wade H. Gibbes, of South Carolina, to take rank March 16, 1861; Briscoe G. Baldwin, of Virginia, to take rank March 16, 1861; R. B. Thomas, of Tennessee, to take rank March 16, 1861; Daniel Trueheart, of Virginia, to take rank April 27, 1861; Theodore Moreno, of Florida, to take rank April 27, 1861; Joseph A. Yates, of South Carolina, to take rank May 18, 1861; Benjamin Allston, of South Carolina, to take rank March 16, 1861; G. Thomas Getty, of Virginia, to take rank July 11, 1861; George U. Mayo, of Virginia, to take rank July 19, 1861; George Strong Storrs, of Alabama, to take rank October 4, 1861; James W.

Archer, of Virginia, to take rank October 5, 1861; T. M. R. Talcott, of Virginia, to take rank October 7, 1861; Jacob Culbertson, of Kentucky, to take rank October 16, 1861; C. S. Venable, of South Carolina, to take rank October 18, 1861; N. S. Finney, of Georgia, to take rank October 25, 1861; E. Cunningham, of Virginia, to take rank October 29, 1861; E. W. Rucker, of Tennessee, to take rank November 4, 1861; George H. Bagwell, of Virginia, to take rank November 4, 1861; William B. Selden, of Virginia, to take rank November 9, 1861; J. J. Legare, of South Carolina, to take rank November 16, 1861; H. L. Ingraham, of South Carolina, to take rank November 16, 1861.

The message and accompanying nominations were referred to the Committee on Military Affairs.

Another message was received from the President; which is as follows:

RICHMOND, *January 24, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

CORPS OF INFANTRY.

*Captains.*

Alexander E. Steen, of Missouri, to take rank March 16, 1861; Alfred E. Latimer, of South Carolina, to take rank March 16, 1861.

*First lieutenants.*

William Kearny, of Kentucky, to take rank March 16, 1861; John G. Taylor, of Kentucky, to take rank March 16, 1861; Nat. Wickliffe, of Missouri, to take rank March 16, 1861; John R. Cooke, of Missouri, to take rank March 16, 1861; A. M. Haskell, of the District of Columbia, to take rank March 16, 1861; J. K. McCall, of Tennessee, to take rank March 16, 1861; William E. Burnet, of Texas, to take rank March 16, 1861; J. H. Holman, of Tennessee, to take rank March 16, 1861; Edward Dillon, of Virginia, to take rank March 16, 1861; D. H. Todd, of Louisiana, to take rank April 27, 1861; John Johns, of Virginia, to take rank April 27, 1861; Thomas Overton, of Louisiana, to take rank April 27, 1861; William Knox, jr., of Alabama, to take rank April 27, 1861; Waters W. Herbert, of South Carolina, to take rank April 27, 1861; George G. Garner, of Louisiana, to take rank May 20, 1861; Junius A. Law, of Alabama, to take rank May 20, 1861; Towson Ellis, of Louisiana, to take rank May 20, 1861; Benjamin Huger, jr., of South Carolina, to take rank May 20, 1861; Peyton Randolph, of Alabama, to take rank May 21, 1861; John L. Branch, of Georgia, to take rank May 22, 1861; F. C. Zacharie, of Louisiana, to take rank June 20, 1861; Llewellyn G. Hoxton, of Virginia, to take rank June 26, 1861; C. E. Patterson, of Arkansas, to take rank June 26, 1861; W. Orton Williams, of Virginia, to take rank July 1, 1861; Edmond Taylor, of Virginia, to take rank July 8, 1861; Walter H. Taylor, of Virginia, to take rank July 16, 1861; Dudley M. Du Bose, of Georgia, to take rank July 19, 1861; Oscar White, of Florida, to take rank July 19, 1861; G. G. Otey, of Virginia, to take rank September 5, 1861; Henry Bolton, of Virginia, to take rank October 7, 1861; Thomas T. L. Snead, of Virginia, to take rank October 9, 1861; Augustus Forsberg, of Virginia, to take rank October 11, 1861; A. C. Godwin, of Virginia, to take rank October 18, 1861; W. B. Richmond, of Tennessee, to take rank November 10, 1861; E. Taliaferro, of Virginia, to take rank November 11, 1861.

The nominations were referred to the Committee on Military Affairs.

Mr. Hale, from Committee on Military Affairs, to whom was referred the message of the President of January 17, nominating major and brigadier generals, reported the same back, with the recommendation that Richard S. Ewell be confirmed major-general and James McIntosh brigadier-general.

Congress advised and consented to the same.

Mr. Hale, from same committee, to whom was referred the nominations of the President of January 14, reported the same back, with the recommendation that the nominations be confirmed.

On motion, Congress advised and consented to the confirmation of the officers as nominated.

Congress then resumed business in legislative session.

### FIFTY-THIRD DAY—SATURDAY, JANUARY 25, 1862.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Baker.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Hale moved to suspend the regular order of the day, for the purpose of taking up for consideration

A bill to provide for recruiting companies now in the service of the Confederate States for twelve months.

The motion was agreed to.

And the bill was engrossed, read third time, and passed.

Mr. T. R. R. Cobb offered the following resolution, to wit:

*Resolved*, That the Secretary of Congress cause twenty-five hundred copies of the proceedings of Congress upon the occasion of the death of the Honorable John Tyler, together with the addresses delivered and the funeral discourse of the Right Reverend Bishop Johns, to be printed in pamphlet form for the use of the House.

Mr. Harris of Missouri moved to refer the resolution to the Committee on Printing.

The motion did not prevail.

And the question recurring upon the adoption of the resolution, Mr. Curry, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, and Hale.

Arkansas—Yea: Messrs. Rust, Thomason, and Garland. Nay: Messrs. Johnson and Watkins.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Howell Cobb, Bass, Hill, and T. R. R. Cobb. Nay: Messrs. Toombs, Foreman, and Crawford.

Kentucky—Yea: Messrs. Monroe, [H. C.] Burnett, Thomas, White, and Johnson. Nay: Mr. Ford.

Louisiana—Yea: Messrs. Perkins and De Clouet. Nay: Messrs. Conrad and Kenner.

Mississippi—Yea: Mr. Bradford. Nay: Messrs. Harris, Brooke, and Harrison.

Missouri—Yea: Messrs. Clark, Peyton, Vest, and Bell. Nay: Messrs. Harris, Conrow, and Freeman.

North Carolina—Yea: Mr. Morehead. Nay: Messrs. Davis, Smith, Ruffin, McDowell, Craige, and Davidson.

South Carolina—Yea: Messrs. Barnwell and Boyce.

Tennessee—Yea: Messrs. House, Jones, and De Witt. Nay: Mr. Thomas.

Texas—Yea: Mr. Waul. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Scott, Boteler, Russell, Johnston, and Staples. Nay: Mr. Pryor.

Yea: Arkansas, Florida, Georgia, Kentucky, Missouri, South Carolina, Tennessee, and Virginia, 8.

Nay: Alabama, Mississippi, and North Carolina, 3.

Divided: Louisiana and Texas, 2.

So the resolution was adopted.

Mr. H. C. Burnett introduced

A resolution relating to secondary testimony to be taken in cases pending in courts under the sequestration act; which was read and referred to the Committee on the Judiciary.

Mr. Conrad, from the select committee of three to whom was referred a resolution of inquiry as to the means by which the secret proceedings of this Congress are made public, and to report what legislation, if any, is necessary to prevent the same, reported the following order, to wit:

That this Congress do order that all persons, except the members and officers of this body, be excluded from all the rooms and offices thereof, except from this Hall, during the public sessions of the body, and half an hour immediately preceding such sessions.

Mr. Venable moved to lay the report on the table, and called the question; which was seconded, when Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, and Jones. Nay: Mr. McRae.

Arkansas—Nay: Messrs. Johnson and Watkins.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Crawford, Bass, and T. R. R. Cobb. Nay: Mr. Hill.

Kentucky—Yea: Messrs. Monroe. [H. C.] Burnett, Thomas, and Johnson.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Brooke, Bradford, and Harrison.

Missouri—Yea: Mr. Conrow. Nay: Messrs. Peyton and Freeman.

North Carolina—Yea: Messrs. Smith, Ruffin, McDowell, Venable, and Davidson. Nay: Messrs. Davis, Avery, and Morehead.

South Carolina—Nay: Messrs. Rhett, Barnwell, Memminger, and Boyce.

Tennessee—Yea: Messrs. House, Jones, and Currin. Nay: Messrs. De Witt and Thomas.

Texas—Yea: Mr. Oldham. Nay: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Rives, Boteler, Brockenbrough, Staples, and Walter Preston. Nay: Messrs. Bocoek and Johnston.

Yea: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia, 8.

Nay: Arkansas, Louisiana, Missouri, South Carolina, and Texas, 5.

So the motion to lay on the table prevailed.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Kenner introduced

A bill to authorize certain financial arrangements at the Treasury; which was read first and second times and referred to the Committee on Finance.



Mr. Johnson of Arkansas presented the letter of the Secretary of War in relation to certain negroes captured from hostile Indians by General McIntosh; which was read and referred to the Committee on Military Affairs.

Mr. Brooke introduced a bill supplementary to an act entitled "An act [*sic.*]; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Davis introduced

A resolution relating to furnishing the Army with gloves; which was read and referred to the Committee on Military Affairs.

Mr. Rhett introduced

A bill to compel direct importations from foreign countries; which was read first and second times and referred to the Committee on Commercial and Financial Independence.

Upon motion of Mr. Venable, the injunction of secrecy was removed from the report of the Naval Committee on the case of Capt. [Lient.] B. W. Hunter.

Mr. De Witt introduced

A bill for the benefit of J. C. Apple; which was read first and second times and referred to the Committee on Claims.

Mr. Macfarland introduced

A resolution relating to the claim of the steamer Mary Patterson; which was read and, together with the accompanying papers, referred to the Committee on Claims.

Mr. Brockenbrough introduced

A resolution relating to colonels, lieutenant-colonels, majors, quartermasters, and commissaries serving without commissions; which was read and referred to the Committee on Military Affairs.

Mr. Boteler presented the memorial of Captain McGraw; which was referred to the Committee on Claims, without being read.

Mr. Staples, from the Committee on Military Affairs, by unanimous consent, reported and recommended the passage of

A bill to increase the pay of chaplains in the Army; which was read first and second times and, on motion of Mr. Barnwell, was placed on the Calendar.

On motion of Mr. Conrad, the special committee to whom was referred the resolution of inquiry as to the means by which the secret proceedings of Congress are made public, etc., were discharged from the further consideration of the subject.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the motion of Mr. Toombs, as modified by himself, to strike out all of the first section of a bill to amend the sequestration act, etc., except the last sentence of the same.

Mr. Pryor moved to reconsider the vote on the passage of

A bill to provide for the granting of furloughs in certain cases.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to appropriate \$850,000 to pay for ordnance, ordnance stores, and equipments;

An act to establish an assay office at New Orleans; and

An act to authorize the change of the names of vessels in certain cases.

The Chair presented a communication from the President, transmitting to Congress a letter from the Secretary of War and the Quarter-

master-General in response to a resolution of inquiry from the Congress; which was, together with the accompanying documents, referred to the special committee of one from each State to inquire into frauds in the Quartermaster and Commissary Departments.

On motion of Mr. Monroe, an amendment presented by Mr. Memminger to an act to amend the sequestration act, etc., was ordered to be printed for the use of the House.

On motion of Mr. Conrad, .

Congress then adjourned until 12 o'clock m. on Monday.

## FIFTY-FOURTH DAY—MONDAY. JANUARY 27, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Baker.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. T. R. R. Cobb moved that Congress proceed to the consideration of the motion of Mr. Barnwell to reconsider the vote by which the resolution instructing the Committee on Printing to report a bill for the immediate publication of the Journal of the Convention and the Journals of Congress was passed.

The motion was agreed to.

And the motion to reconsider being under consideration, Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Messrs. Johnson and Garland. Nay: Messrs. Thomason and Watkins.

Florida—Yea: Messrs. Ward and Owens.

Georgia—Yea: Mr. Hill. Nay: Messrs. Toombs, Howell Cobb, Foreman, Crawford, Bass, T. R. R. Cobb, and Kenan.

Kentucky—Yea: Messrs. Monroe, H. C. Burnett, Johnson, Ford, Thomas, and White.

Louisiana—Yea: Messrs. Perkins, De Clouet, and Conrad. Nay: Mr. Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Bradford, Barry, Harrison, and Campbell.

Missouri—Yea: Messrs. Peyton, Conrow, and Freeman. Nay: Messrs. Clark, Harris, Vest, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, Smith, Ruffin, McDowell, Venable, Morehead, and Davidson. Nay: Mr. Puryear.

South Carolina—Yea: Messrs. Barnwell and Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Messrs. House and Jones. Nay: Messrs. De Witt and Thomas.

Texas—Nay: Messrs. Reagan and Waul.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Pryor, Bocoek, Scott, Brockenbrough, Russell, Johnston, Staples, and Walter Preston. Nay: Mr. Rives.

Yea: Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, 8.

Nay: Georgia, Missouri, and Texas, 3.

Divided: Arkansas and Tennessee, 2.

So the motion to reconsider prevailed.

Mr. Perkins offered as a substitute for the resolution of Mr. Cobb, the following, to wit:

*Resolved*, That the Committee on Printing inquire what is the best mode of preserving the Journals of Congress.

Upon which Mr. Waul, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, and Jones.

Arkansas—Yea: Messrs. Johnson, Rust, and Garland. Nay: Messrs. Thomason and Watkins.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Mr. Hill. Nay: Messrs. Toombs, Howell Cobb, Foreman, Crawford, Bass, T. R. R. Cobb, and Kenan.

Kentucky—Yea: Messrs. Monroe and Thomas. Nay: Messrs. Johnson, Ford, and White.

Louisiana—Yea: Messrs. Perkins, De Clouet, and Conrad. Nay: Mr. Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Barry, Harrison, and Campbell. Nay: Mr. Bradford.

Missouri—Yea: Messrs. Peyton, Conrow, and Freeman. Nay: Messrs. Clark, Cooke, Harris, and Bell.

North Carolina—Yea: Messrs. Davis, Smith, Ruffin, McDowell, Venable, Morehead, and Davidson. Nay: Messrs. Avery and Puryear.

South Carolina—Yea: Messrs. Barnwell, Memminger, and Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Mr. House. Nay: Messrs. Jones, De Witt, and Thomas.

Texas—Nay: Messrs. Reagan, Waul, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Bocoek, Scott, Russell, Johnston, Staples, and Walter Preston. Nay: Messrs. Pryor, Rives, and Brockenbrough.

Yea: Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, 8.

Nay: Georgia, Kentucky, Missouri, Tennessee, and Texas, 5.

So the substitute was agreed to.

And the question being upon the adoption of the substitute, the vote was taken, and the same was adopted.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for recruiting companies now in the service of the Confederate States for twelve months.

Mr. Venable moved to postpone the consideration of the unfinished business, for the purpose of concluding the call of the States.

The motion did not prevail.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session. The Chair presented certain estimates of the Secretary of the Treasury; which were referred to the Committee on Finance, without being read.

Congress then proceeded to the consideration of the unfinished business; which was the motion of Mr. Toombs to strike out all but the last sentence of the first section of a bill to amend the sequestration act, etc.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act for the relief of the State of Missouri.

Mr. Staples offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of War be requested to furnish to Congress an estimate of the amount proper to be paid to James Lyons and Sydney S. Baxter, for services rendered the Government in investigating charges against persons confined as prisoners in the city of Richmond.

Congress, on motion of Mr. Walter Preston,  
Adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The following communications from the President were laid before Congress by the Chair, and referred to the Committee on Naval Affairs, viz:

I nominate the persons named in the annexed list, agreeably to the recommendation of the Secretary of the Navy.

JEFFERSON DAVIS.

#### *Lieutenants for the war.*

Thomas B. Mills, of Alabama; William A. Kerr, of North Carolina; Samuel W. Ayerett, of Virginia; H. B. Claiborne, of Louisiana; Hilary Cenas, of Louisiana; William C. Whittle, jr., of Virginia; John Grimbail, of South Carolina; Wilburn B. Hall, of Georgia; George A. Borchert, of Georgia.

The above are now masters and acting lieutenants in the Navy.

Arthur D. Wharton, of Tennessee; Thomas L. Harrison, of Virginia; James L. Hoole, of Alabama; Edmund G. Read, of Virginia; Sardine G. Stone, of Alabama; William Van Comstock, of Louisiana; Richard F. Armstrong, of Arkansas; James E. Fiske, of North Carolina; J. H. Comstock, of Arkansas; Thomas L. Dornin, of Virginia; James L. Tayloe, of Virginia; Francis L. Hoge, of Virginia; Charles W. Read, of Mississippi; John H. Ingraham, of South Carolina; William A. Hicks, of Mississippi; Albert G. Hudgins, of Virginia; Charles K. King, of Virginia; Joseph D. Wilson, of Florida.

The above are now acting masters in the Navy.

I nominate the persons named in the annexed list, agreeably to the recommendation of the Secretary of the Navy.

JEFFERSON DAVIS.

#### *Lieutenants in the Navy.*

John H. Parker, of Virginia, late a lieutenant in the United States Navy.

Nicholas H. Van Zandt, of the District of Columbia, late a lieutenant in the United States Navy.

Charles J. Graves, of Georgia, late a lieutenant in the United States Navy.

Walter R. Butt, of Virginia, late a lieutenant in the United States Navy.

#### *Surgeon.*

Charles F. Fahs, of Virginia, late a surgeon in the United States Navy.



*Assistant surgeon.*

James E. Lindsay, of North Carolina, late assistant surgeon in the United States Navy.

*Assistant paymaster.*

Richard L. Mackall, of Virginia.

MARINE CORPS.

*Captain.*

Robert Tansill, of Virginia, late a captain in the United States Marine Corps.

*First lieutenant.*

Thomas S. Wilson, of Missouri, late a first lieutenant in the United States Marine Corps.

*Second lieutenant.*

James F. Claiborne, of Louisiana.

Mr. Avery, at the instance of the State of South Carolina, moved to reconsider the vote by which the nomination of J. E. Lindsay, to be a surgeon in the Navy, was referred to the Committee on Naval Affairs.

The motion was agreed to, and the nomination was then laid on the table.

Mr. Macfarland, from the Committee on Commercial Affairs, to which was referred the nomination of R. H. Lawton, to be collector of the port of Richmond, reported the same back, with the recommendation that Congress advise and consent to the same.

The report was agreed to, and Congress advised and consented to the nomination.

Congress then resolved itself into legislative session.

FIFTY-FIFTH DAY—TUESDAY, JANUARY 28, 1862.

OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Dashiell.

Congress then resolved itself into secret session.

SECRET SESSION.

Congress being in secret session,

Mr. Perkins moved to reconsider the vote on the passage of a resolution, calling upon the Secretary of War to submit an estimate for the payment of James Lyons and Sydney S. Baxter, for services rendered the Government in examining prisoners confined in the city of Richmond.

The Chair presented a communication from the Secretary of War in response to a resolution of the Congress, calling upon him to submit an estimate for the payment of James Lyons and Sydney S. Baxter, etc.; which was read and referred to the Committee on the Judiciary.

Mr. Davidson presented a memorial; which was referred to the Committee on Postal Affairs, without being read.

Mr. Venable offered

A resolution instructing the Committee on Military Affairs to inquire into the expediency of reporting a bill for the immediate organization of the militia of the Confederate States; which was read and agreed to.

Mr. Currin introduced

A bill making appropriations for the payment of certain interest due, severally, to the banks at Memphis, on advances made by them to Maj. Gen. Leonidas Polk, for the benefit of the public service; which was read first and second times and referred to the Committee on Finance.

Also, a bill to provide for the appointment of assistant adjutants-general and aids-de-camp by colonels of regiments assigned to the command of brigades and to prescribe their compensation, and for other purposes; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Brockenbrough offered

A resolution instructing the Committee on Printing to report a bill making provision for the publication of the Laws of the Provisional Congress; which was read and agreed to.

Mr. Staples introduced

A resolution to pay James Lyons and Sydney S. Baxter for certain services rendered the Government; which was read first and second times and referred to the Committee on the Judiciary.

Mr. Brockenbrough offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of increasing the salary of the law clerk of the Department of Justice; which was read and agreed to.

Mr. Barnwell, from the Committee on Finance, to whom was referred a resolution relative to assistance to the State of Kentucky, reported and recommended the passage of

A bill to aid the State of Kentucky, and for other purposes; which was read first and second times, engrossed, read a third time, and passed.

Mr. Crawford, from the Committee on Commerce, to whom was referred

A bill to repeal the act approved February 25, 1861, to declare and establish the free navigation of the Mississippi River, reported the same back, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Hale, from the Committee on the Judiciary, to whom was referred

A bill to provide for drawing jurors in criminal cases, reported the same back and recommended its passage.

On motion of Mr. Monroe, the bill was placed on the Calendar and ordered to be printed.

Mr. Hale, from the same committee, to whom was referred

A bill to amend an act entitled "An act supplementary to an act to establish the judicial courts of the Confederate States of America, approved May twenty-first, eighteen hundred and sixty-one," reported the same back, with the recommendation that it pass with an amendment.

And the question being upon agreeing to the amendment, which was to strike out the whole of the original bill and to insert in lieu thereof the following, to wit:

*The Congress of the Confederate States do enact*, That the first section of the above-entitled act be, and the same is hereby, repealed; and to the end that the causes mentioned in said first section of the act to which this act is an amendment may be brought to trial without unnecessary expense and delay, it shall be lawful for the judges of the several district courts to interchange with each other temporarily, and the judge whose interest in, or connection with, the causes aforesaid pending in the district court in which he presides renders him incompetent to try such causes, shall request such interchange with the judge of an adjoining district, and the judge so requested shall, without delay, enter upon such interchange; and the acts and decisions of judges so presiding by interchange with each other shall be as valid as if done and performed in the districts for which they were severally appointed.

SEC. 2. The judges so presiding by interchange as aforesaid shall cause it to be entered on the records of the courts in which they so preside that such interchange has been made according to this act,

The vote was taken, and the amendment was agreed to.

And the bill as amended was engrossed, read a third time, and passed.

Mr. Hale, from the same committee, to whom was referred

A bill for the protection of loyal citizens who have destroyed their property to prevent its capture by the enemy,  
reported the same back, with the recommendation that it pass with an amendment.

On motion of Mr. Orr, the bill and amendment were placed on the Calendar.

Mr. Hale, from the same committee, to whom was referred

A bill to amend an act to provide for the safe custody, printing, and publication of the laws, and to provide for the appointment of an additional clerk in the Department of Justice, approved August 5, 1861,

reported the same back, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Hale, from the same committee, to whom was referred

A bill explanatory of the appropriation for removal of the seat of government,

reported the same back, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Hale, from the Committee on Military Affairs, to whom was referred

A bill to amend an act to provide for the public defense, approved March 6, 1861,

reported the same back and recommended its passage.

The bill was engrossed, read a third time, and passed.

EXECUTIVE DEPARTMENT,  
Richmond, January 28, 1862.

*Mr. President:* The President on yesterday approved and signed

An act to appropriate \$850,000 to pay for ordnance, ordnance stores, and equipments;

An act to establish an assay office at New Orleans;

An act to authorize the change of the names of vessels in certain cases;

An act to provide for recruiting companies now in the service of the Confederate States for twelve months; and

An act for the relief of the State of Missouri.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Hale, from the same committee, to whom was referred a resolution of instruction to report a bill to provide for the appointment of adjutants, commissaries, etc., from the ranks, reported the same back, that the present legislation on the subject, in the opinion of the committee, was sufficient, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Hale, from the same committee, to whom was referred

A resolution relating to furnishing the Army with gloves, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Hale, from the same committee, to whom was referred

A bill to authorize the Secretary of War to audit and settle the claims of assistant quartermasters, commissaries, and surgeons for services before receiving their appointments by the Confederate States, reported the same back, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Hale, from the same committee, to whom was referred joint resolutions of the legislature of Alabama in relation to the increase of the pay of private soldiers, reported the same back, asked to be discharged from their further consideration, and that the resolutions lie on the table; which was agreed to.

Mr. Avery, from the Committee on Military Affairs, to whom was referred

A bill to provide for the organization of troops into brigades, and the appointment of brigadier-generals, reported the same back, with the recommendation that it do not pass.

On motion, the bill was placed on the Calendar.

Mr. Ward, from the same committee, to whom was referred certain resolutions of the legislature of Florida on the subject of raising troops for the Confederate service, reported that inasmuch as the legislation of Congress covered the subject the committee asked to be discharged from their further consideration and that the resolutions lie on the table; which was agreed to.

Mr. Pryor, from the same committee, reported

A bill to authorize the President to raise four battalions of pontoniers and to appoint topographical officers; which was read first and second times and placed on the Calendar.

Mr. Brooke, from the Committee on Patents, reported the following resolution; which was read and agreed to, to wit:

*Resolved*, That three hundred copies of the report of the Commissioner of Patents be printed, to be paid for out of the patent fund, fifty of which shall be retained in the office of the Commissioner of Patents, one hundred to be delivered to the present Congress, and one hundred and fifty to the Congress under the Permanent Constitution.

Also,

A resolution to amend a clerical error in the enrollment of an act passed at this session, entitled "An act to amend an act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs," approved May 21, 1861;

which was read first and second times, engrossed, read third time, and passed.

Also, a bill to increase the salary of the recording clerks in the Patent Office; which was read first and second times and placed on the Calendar and ordered to be printed.



On motion of Mr. Curry, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

On motion of Mr. Pryor, the injunction of secrecy was removed from A bill to amend an act to raise an additional force to serve during the war, approved May 8, 1861.

Mr. De Witt, by general consent, offered some papers referring to the claim of C. Apple; which were referred to the Committee on Claims, without being read.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the consideration of the motion of Mr. Toombs to strike out all but the last sentence of the first section of a bill to amend the sequestration act, etc.

Mr. Monroe moved to amend by striking out in the first section the words "are hereby declared confiscated, except so far as the same are hereafter excepted by this act, and all such property shall on rendition of the decree of confiscation be sold as" and to insert in lieu thereof the words "shall be collected and sold as," and to strike out the words

but nothing in this act shall be construed to authorize the sale of any mere indebtedness by chose in action to any alien enemy embraced by this act or the one to which it is amendatory,

And to insert in lieu thereof the following words, to wit:

but in no case shall a debt or other chose in action be sold.

On motion of Mr. Brooke,

Congress adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented to the Congress the following communication from the President:

RICHMOND, January 28, 1862.

*To the President of the Congress of the Confederate States:*

I ask leave to withdraw the nomination of Joseph E. Lindsay, of North Carolina, to be an assistant surgeon in the Navy, and to substitute in lieu of it the nomination of James E. Lindsay, of North Carolina, late an assistant surgeon in the United States Navy, the latter being the correct name of the person intended to be nominated.

JEFFERSON DAVIS.

The request was agreed to, and the nomination referred to the Committee on Naval Affairs.

Mr. Hale, from Committee on Military Affairs, to whom was referred sundry nominations of officers in the Provisional Army from Arkansas, reported back the same, and recommended the confirmation of the following officers in Arkansas regiments, viz:

Daniel C. Goyan, colonel Second Arkansas Regiment.

Reuben F. Harvey, lieutenant-colonel Second Arkansas Regiment.

J. S. Marmaduke, colonel Eighteenth Arkansas Regiment.

James B. Johnson, lieutenant-colonel Eighteenth Arkansas Regiment.

H. V. Keep, major, Eighteenth Arkansas Regiment.

The report was concurred in, and Congress advised and consented to the same.

Mr. Hale, from Committee on Military Affairs, to which had been referred nominations of officers of troops for Alabama regiments, also

for Georgia, Mississippi, Virginia, Arkansas, Tennessee, Kentucky, South Carolina, Florida, Louisiana, North Carolina, and Texas troops, reported back the same, with the recommendation that the nominations be confirmed.

The report was agreed to, and Congress advised and consented to the nominations.

Mr. Hale, from the same committee, to which was referred the communication of the President of the 24th January, submitting a list of nominations for the Corps of Artillery in the Army of the Confederate States, reported the same back, with the recommendation that Congress advise and consent to said nominations; which was agreed to, and the nominations were confirmed.

Mr. Hale, from the same committee, to which had been referred another communication of the President of the 24th January, nominating officers in the Corps of Infantry of the Army of the Confederate States, reported back the same and recommended the confirmation of all but D. H. Todd, of Louisiana, first lieutenant.

The report was agreed to, Congress advising and consenting to the same as recommended.

Mr. Hale, from the same committee, to which had been referred the nomination of Lucius B. Northrop as Commissary-General and Samuel P. Moore as Surgeon-General, reported the same back, with the recommendation that they be confirmed, and asked that the report lie upon the table; which was agreed to.

On motion of Mr. Johnson of Arkansas,  
Congress resumed legislative session.

## FIFTY-SIXTH DAY—WEDNESDAY, JANUARY 29, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Butler.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. Garland presented the memorial of H. R. Austin; which was referred to the Committee on Military Affairs, without being read.

Mr. Morton moved that the President be authorized to appoint three additional members to the Committee on Flag and Seal of the Confederacy.

The motion was agreed to.

And the Chair announced the following as the additional members of that committee, viz:

Messrs. Boteler of Virginia, Curry of Alabama, and Jones of Tennessee.

Mr. T. R. R. Cobb introduced

A bill to prescribe a uniform law of naturalization;  
which was read first and second times.

Mr. Smith of Alabama moved that the bill be placed on the Calendar and printed.

Mr. Conrad moved that it be referred to the Committee on the Judiciary.

The motion was agreed to

Mr. Monroe offered

A resolution to inquire of the propriety of providing by law for the retaliation of ignominious punishment unjustly inflicted upon the citizens of the Confederate States by the judgments of the Federal Government and of the States thereof, and their military and other officers;

which was read and referred to the Committee on the Judiciary.

Mr. Brooke moved to reconsider the vote on the passage of

A resolution authorizing the Attorney-General to correct a clerical error in the engrossment of a bill to amend an act to establish a patent office, etc.

The motion to reconsider prevailed.

Mr. Brooke then moved to reconsider the vote by which the Congress ordered the said resolution to be engrossed for a third reading.

The motion prevailed.

Mr. Brooke, by unanimous consent, withdrew said resolution and introduced

A bill to explain an act entitled "An act to amend an act entitled 'An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, and designs,' approved May twenty-first, eighteen hundred and sixty-one;" which was read first and second times, engrossed, read a third time, and passed.

Mr. Brooke introduced the following resolution; which was read and laid on the table, to wit:

*Resolved*, That the Secretary of the Treasury be requested to communicate to this body (if not incompatible with the public interest) the quantity and quality of cotton obtained by him for the use of the Confederate States; whether the same was purchased with the bonds or Treasury notes of this Government, and at what price; also whether said cotton has been disposed of, and in what manner, at what place, and at what price; also whether it will be necessary to make any further purchases; and, if so, to what amount.

Mr. Davidson offered

A resolution instructing the Committee on Finance to report a bill for the benefit of deputy marshals;

which was read and agreed to.

Mr. Boyce offered

A resolution instructing the Committee on Military Affairs to inquire as to the expediency of so amending the law as to permit soldiers to draw waterproof overcoats in lieu of some other articles of clothing now allowed them;

which was read and agreed to.

Mr. Staples offered

A resolution instructing the Committee on Finance to inquire into the expediency of reporting a bill authorizing an exchange of Confederate bonds for bonds of the State of Virginia to the amount of \$1,000,000, said Confederate bonds to be appropriated to the completion of the Covington and Ohio Railroad lying west of the town of Covington;

which was read and agreed to.

Mr. T. R. Cobb, by general consent, introduced

A bill to repeal so much of the laws of the United States adopted by the Congress of the Confederate States as authorize the naturalization of aliens; which was read first and second times, engrossed, read a third time, and passed.

Mr. Waul, from the special committee appointed to examine into the Quartermaster, Commissary, and Medical Departments, made a report; which was laid on the table and ordered to be printed, and is as follows, to wit:

#### REPORT.

The committee appointed under the resolution of Congress "to inquire into the organization and administration of the Medical, Commissary, and Quartermaster's Departments, and to report what changes in the laws and regulations are necessary and proper," beg leave to report that after the passage of the resolution they called upon the Secretary of War and obtained his zealous cooperation, and provided with letters from him, they visited the departments referred to, the principal army corps and posts, hospitals, and depots, every facility being afforded them by the officers in charge for the favorable prosecution of their inquiries.

The resolution comprises all that relates to the supply and transportation of troops in the field or in camp or that tends to promote the health and comfort of the soldier; it embraces the administration of the civil polity of the Army as distinguished from its command.

The labors of these departments penetrate the entire military establishment, breathe life into the Army, nurture its growth, give it strength and efficiency in the field, maintaining its health, and facilitating its movements. Vigilant, prepared, and present, it moves unnoticed amid the stirring events of the field, and, obscured by the dust and smoke of the combat, it remains unobserved even while collecting the fruits of victory.

To insure success in a military enterprise its civil administration should be harmonious with and subordinate to its command. The inefficiency of a quartermaster or commissary may effectually check the progress of an army, and the demands of an officer may destroy the most perfect administration through his inability to comprehend the difficulties or even the facilities for procuring subsistence or transportation.

That the immense army now in the service of the Confederacy, suddenly collected, men and officers generally inexperienced in camp life and military duty, should be clothed, fed, armed, and moved with the facility of a permanent organization, was not to be expected, and in guarding against abuses or suggesting changes, it is with a view to present emergencies, temporary in their character, rather than to subvert a system of regulations, simple in their construction, yet comprehensive enough when properly administered to achieve the objects intended.

#### QUARTERMASTER'S DEPARTMENT.

The Quartermaster's Department is expected to give effect to the movements and operations of the Army, prepare quarters, hospitals, camp and garrison equipage, transportation, and all military stores, provisions, ordnance and ordnance stores; furnish storage for all military supplies; provide fuel, forage, and straw; supply blankets, shoes, and clothing; procure cavalry and artillery horses; purchase and have the custody of all horses, mules, and oxen, harness, wagons, carts, boats, and other means of transportation; contract for and regulate the transportation of troops and supplies upon railroads and steamboats. It is responsible for the prompt and safe transmission of all supplies; for the payment of the troops when in service or discharged, and in general contract and pay for such services as are not specially designated in the duties of any other department.

The committee was greatly assisted in its investigations by the system of entries and analysis of estimates and disbursements in the office of the Quartermaster-General at Richmond, by which it is enabled to determine not only the supplies and transportation on hand and where located, but also the exact state of the account of every officer attached to that Department throughout the Army.

These returns and entries show that clothing, camp and garrison equipage are accumulated at depots situated in Richmond, New Orleans, Memphis, Charleston, Savannah, Columbus (Georgia), Montgomery, Staunton, San Antonio, and Fort Smith, to be distributed upon requisition to the troops in their vicinity. These supplies, together with shoes and blankets, are on hand or have been distributed in such quantities as, with the aid given by the contributions of States and individuals,



to place our troops beyond the danger of suffering during the present winter; while the experience of the past, the knowledge of the resources of the country, and the power to husband, systematize, and render them available furnishes an encouraging prospect for the future.

*Clothing and commutation.*

It is the duty of the Confederacy to have the Army well clothed, and to attain this end no commutation in money should be allowed until it appears that the volunteer has a supply of clothing at least equal to the amount allowed by the regulations.

If furnished from private resources with the principal articles, the commutation money due might be paid to the captains to be expended, first, in procuring such articles as are necessary to make up the deficiency, and the balance given to the volunteer.

*Depots for supplies.*

The number and extent of the depots for arms, ordnance, clothing, and stores for the consumption of the Army should be greatly increased and established at secure places near the fields of operation.

*Railroad transportation.*

The amount of transportation required demands that every legitimate means should be used to increase the capacity of that branch of the service, and for this purpose the committee recommend that military control be taken of the principal railroad routes terminating at or passing through Richmond, Nashville, Memphis, Atlanta, and all routes leading to the headquarters of our several army corps, which should be placed under the direction of an efficient superintendent, free from local interests, investments in, or connection with special railroads.

Great delay, inconvenience, and expense is caused by the numerous unconnected tracks which, if joined by links, short in distance, would not only increase the facilities for transportation and the capacity of the roads, but would save much time, labor, and expense in transferring troops and freight.

There is a deficiency of rolling stock on the most used and important railways and branches, which could be remedied under a proper administration and distribution of stock taken from roads where there is a superabundance and adding where deficient, thus equalizing the supply throughout the Confederacy. Wherever desirable for the public defense, the same stock should pass over the longest available route, and when the width of the grades [gauges] differs the roads should approach to proximity until a change of width would permit the connection to be perfected. With proper management the capacity of the principal routes can be increased to six trains each way per day with an average speed of 10 miles an hour, while the present transportation is not above two trains a day, and the rate of speed not more than 6 miles an hour.

*Wagon transportation.*

The committee are satisfied that the wagon transportation is inadequate, and if the Army was furnished with the full amount allowed by the present regulations, it would still be insufficient. Our volunteers arrive in the service unused to camp life, incumbered by an allowance of clothing hardly sufficient for their need, yet beyond the amount allowed by regulations; overtaken by disease, and with conveniences, though scanty, yet forbidden by the frugality and thrift suited to the educated soldier; when a movement is made, the line of march may be traced by the cheap comforts and extra blankets cast aside, to be deeply regretted by the soldier at his next camping ground. From causes like these, much suffering has been endured by our troops in exposed situations, especially in Western Virginia, where the transportation was barely sufficient to keep subsistence enough for the daily ration while on the march from Jackson Run to Sewell Mountain.

The amount and necessity for accumulated transportation has been greatly increased by permitting the Army to feed and forage upon the neighborhood where stationed, each succeeding day widening the circle, which it exhausts, and to the same extent protracting the distance for transportation, in addition to destroying the source of supply by taking from the country its present subsistence and its means for furnishing another crop. This system enhances the price of all products to the Army, and the inhabitants, until, forced to abandon their residences, they emigrate in pursuit of cheap food, and leave their homes depopulated.

By adopting a different policy, with the judicious use of railways to penetrate the productive regions, and by the aid of wagon transportation, connecting with the neighboring granaries, the supply might be rendered regular, cheap, and of better quality.

*Hospitals and stations.*

Connected with and auxiliary to this subject, the committee advise that hospitals and stations for the wounded, sick, and convalescent should be provided at a distance from the camps or crowded cities, wherever pure air, good water, and an abundance of food would recommend them; leaving for the use of the able, active soldier a large quantity of food and transportation, and removing from the Army an incubus which, with its limited transportation, renders rapid movement impracticable.

*Transport trains.*

Transportation being the motive power of the Army, without it the most thoroughly organized and disciplined corps is useless and its services unavailable. To be efficient it should be systematized and trained to a performance of its duties. Competent wagon masters should be selected, and an enlisted or hired number of teamsters engaged, who, by their skill, attention, and adaptation to this service, would faithfully perform their obligations.

The custom of detailing volunteers for this service is fraught with trouble; horses, harness, and wagons are neglected until a movement is required, when the death, disease, or starved condition of the horses, the loss of harness, and breakage of wagons render it impossible, or its performance so defective that suffering to the sick, loss of baggage to the well, and discomfiture to the designs best arranged and matured are the probable results.

*Payment of troops and creditors.*

Admitting the efficiency of the Quartermaster's Department, as at present constituted, for a peace establishment, to be equal to the duties with which it is charged, it would be relieved of much of the embarrassment and complication caused by the magnitude of the present war, should a separate pay department be established.

Some discontent has arisen among the troops from a failure to pay them with regularity, particularly at posts and places distant from headquarters or the homes of the volunteers. To detail an instructed and experienced quartermaster from headquarters for this service would frequently leave a post or important position unsupplied and the necessary routine neglected, and to send an officer new to the service and unacquainted with its duties would result in injury to the department, ruin to the officer, or loss to the soldier.

Punctuality is important in all the dealings of Government; it is particularly so with its Army.

The troops should be paid every two months, and to insure its punctuality the pay rolls should be prepared after each muster, under the superintendence of an inspector, and handed over to the officers of the Pay Department for payment.

The system in force in the United States Army might be adopted by adding thereto paymasters with the rank of captain, requiring the senior paymaster in each district to make an estimate and receive funds for the whole of his district, upon estimates made by the regimental quartermasters, who might pay their regiments from the funds received for that purpose from the district paymaster, leaving the field and staff of the divisions and brigades and other floating accounts to be settled by the district paymaster.

The quartermasters unattached to regiments, and acting as pay officers, might be transferred to the Pay Department, and by their experience facilitate the adjustment of accounts and payments of troops at points where there are no regiments, the sick at general hospitals, and discharged soldiers. The need of this supervising power has caused large amounts of money to be twice paid to soldiers discharged for debility, necessity requiring, in many cases, payment to be made upon the statement of the soldier himself. Some dissatisfaction has been manifested by the creditors of this and the Subsistence Department, from the want of punctuality in settling the debts contracted to be paid at the specified time; and this uncertainty of payment has caused exactions to be made and prices demanded of the Government officers greatly above the market rate, particularly at places distant from the capital, where credit is all important. This has been aggravated by the difficulty in preparing Treasury notes, the absence of facilities for transferring the funds, the trouble and responsibility of transmission, as well as the more pressing emergencies or urgent solicitations of claimants more convenient to headquarters.

## SUBSISTENCE DEPARTMENT.

To maintain an abundant and regular supply of provisions for the soldier is the paramount duty of the Commissary of Subsistence, and to it everything else must be subordinate. To economize the public money and to justify expenditure and dis-

bursement by well-authenticated accounts are important considerations, but even these must yield to the one great object of military administration—to keep the soldier in fighting condition at all times and under all circumstances.

Without system in the administration of this department, the most fertile genius would prove powerless, and the most abundant resources insufficient; yet, so varying are the circumstances attending active warfare, so much influenced by the character of the operations, the resources and extent of the country, the disposition of the population, the confidence and credit in the Government, that far more reliance must be placed upon the intelligence, the ability, and the zeal of the commissary than upon any system established for general guidance. It is in availing himself of every expedient, in seizing every opportunity, in guarding against all risks, and providing for all contingencies that the highest qualities of a good officer are put to the test. He must not rely on rumors or trust to probabilities; he must depend upon his own judgment and energy, and, by exerting all his foresight, skill, and decision, anticipate the want of the troops in whatever position they may be placed.

The machinery, perfectly adapted to a season of peace and a country replete with resources, would entirely fail, during a state of war, with the ordinary source of supply stopped or diminished.

The returns of this department show that although its chief supply has been obtained within the Confederacy, heretofore considered insufficient to support its population, with an untiring, vigilant, and remorseless enemy surrounding and endeavoring by every means to starve as well as subjugate, we have had our Army well fed, and with an amount on hand so large as to place us beyond the reach of want for the ensuing campaign; and trusting in a kind Providence for our usual seasons, and the preparations that are made throughout the Confederacy for the next crop, we need fear no coming want.

#### *Purchasing agents.*

To protect the department against the fluctuations and combinations of trade, which are considered legitimate and generally used against the Government, where it enters the market as an open purchaser, the Commissary-General should have power, with the approval of the Secretary of War, to select agents from able and practical business men to make purchases at distant points, and a proper discretion allowed them, without referring to the department for confirmation.

#### *Rations and cooks.*

The ration, as restricted by the regulations, is in many respects unsuited to the habit of our volunteer force. Rice and corn meal, hominy, peas, tea, milk, molasses, and vegetables (particularly potatoes and onions) should be distributed whenever they can be reasonably obtained, and substituted by a scale to be prepared by the commissary for the ordinary ration. Flour should only be given in cases of necessity, or where ovens are used by the company or regiments. Bakeries should be established for hard bread at places convenient to the different army corps. Ovens should be erected in every regiment and loaves of bread distributed, so as to avoid the unwholesome mass which constitutes the ordinary specimens of cooking by Southern soldiers. Cooks should be hired or enlisted, at least two to each company, so that well cooked, wholesome meals may be regularly served, and the cooking inspected at each meal under the direction of the officer of the day.

To insure small comforts, the committee recommend that two or three cents per day be allowed each volunteer, to be disbursed by the captain; that the ration of coffee and sugar be increased to 10 pounds of coffee and 15 pounds of sugar for 100 men; that the surplus rations be under the charge of one of the sergeants, whose duty it shall be to sell them and purchase vegetables and other food not supplied by the Government, for the benefit of the company.

#### *Hospital rations.*

The regulations provide that the rations not consumed in the hospitals shall be commuted in money and constitute a hospital fund from which articles for the sick may be obtained. Under this regulation no money has been furnished the regimental commissaries, and the sick are unprovided for or forced to use the ordinary ration of beef, bacon, and coffee. This neglect calls for an immediate remedy.

#### *Sutlers.*

The comfort of the volunteer would be consulted by a definite number of sutlers judiciously selected, properly restricted, and a tariff of prices with moderate profits adopted.



Much information has been obtained by the committee from the Commissary Department to be submitted to Congress, but the answer of the Commissary-General to the resolution of Congress, including all that is important and in more elaborate form, the committee beg leave to refer to that communication for the routine of purchase, etc.

MEDICAL DEPARTMENT.

In relation to the Medical Department, in its organization and administration your committee report that there is, in the laws regulating that department, no want of power for its efficiency, and, except in a few particulars, no necessity for a change in the regulations which control it.

The authority of the Surgeon-General is ample in the direction of the administration of his department, and under ordinary circumstances the medical staff is perhaps sufficiently numerous; but in visiting the camps and hospitals your committee were deeply impressed with the inadequacy of the preparations and provision for the comfort of the sick soldiers, as well as the obvious causes for the unusual amount of disease prevailing amongst the troops. Much is to be ascribed to the nature of the service and the persons who compose the Army. The volunteers, when at home, were not generally accustomed to care for themselves, usually living in families who provided for their comfort and nursed them in sickness, unused to exposure and entirely unaccustomed to the preparation of their food. When, in addition to this, it is considered that the summer was unusually rainy and that a very large proportion of the men contracted the measles in the camps, it could not be otherwise than that there should be great suffering and great mortality. It is the peculiar characteristic of measles that the system is left liable to the invasion of the most formidable diseases upon exposure a short time after undergoing an attack. Fever, pneumonia, and diarrhea, the scourges of camps and armies, follow in the wake of measles where the convalescents are exposed to cold and wet, and when to this we add unsuitable diet, badly ventilated tents and hospitals there can be no surprise at the number of sick in the Army, as well as the great suffering and distress.

Your committee found in some regiments but one surgeon or assistant surgeon—sometimes a private detailed from the ranks who happened to be a physician—to whom a number of sick, too great for any one man to attend properly, [were] placed under his care. The diseases prevalent in the Army are camp fever, measles, pneumonia, diarrhea, and dysentery. All of them partook of the depressing character of the camp fever, being of a typhus tendency. In some localities the typhoid fever was found greatly aggravated in its progress by the general morbid influence of the atmosphere of the camps.

The armies on the Potomac and in Western Virginia suffered greatly; those troops in Cheat Mountain and in the vicinity of the Kanawha Valley most intensely. The wet and changeable climate, the difficulty of transportation, exposure to cold and rain without tents, the necessary consequence of the frequent forward and retrograde movements, as well as the impossibility of always obtaining suitable food for either sick or well men, produced most of the sickness and greatly aggravated it after its accession. There were no hospitals in reach of those armies, and it became necessary to subsidize all suitable buildings in reach for the use of the sick, who often accumulated so rapidly as to fill them to crowding. The rapid movements of armies hourly expecting battle created a necessity for the removal of the sick to the rear at a time when transportation was greatly in demand and at all times insufficient. Under these circumstances the sick in all stages of disease—sometimes when merely moving them must be fatal—were crowded into wagons and delivered at points where, from their unexpected numbers, there was no adequate provision either for their food or shelter, and in such cases the suffering, as well as the mortality, was greatly increased. The diseases in the Peninsula were exceedingly severe and the cases very numerous. They were usually of the miasmatic character, to which men from the upper country would be subject. These, too, were greatly aggravated by measles, which also scourged these camps. In the early part of the campaign there was a great deficiency of hospital accommodation there, but now, in Yorktown and Williamsburg, that want has been in a great measure supplied.

Whenever hospital accommodation was possible and a due regard paid by those in charge much of the suffering of the sick was avoided, especially where those hospitals were within a convenient distance and the transportation at all adequate to the gentle and merciful removal of the sick and helpless.

Your committee were impressed with several evils which, as they are clearly within the reach of remedy by the present laws, will be mentioned as those which could be obviated by a more full administration of their provisions:

First. Upon examination of the medical stores at the various hospitals and camps, with a few exceptions they were incomplete and insufficient in many of the leading and necessary articles for the prevailing diseases.



Second. There was a great deficiency in surgical instruments, and those in possession of the surgeons often very inferior and ill adapted to the service. This they however feel assured was the result, in a great measure, of the almost insuperable difficulty of obtaining a supply in the present state of our commercial atrophy; but it is presumed that sufficient encouragement would secure the manufacture of instruments within the Confederate States. The Surgeon-General assured the committee that this difficulty was in a fair way to be overcome.

Third. The great insufficiency of transportation to be devoted to the service of the Medical Department in the camps and at the hospitals. A great increase is indispensable; the want of it has produced much of the mortality and much of the suffering. Sick men, on the advance of the enemy, are crowded into common wagons and ambulances, moved rapidly over bad roads, jolted and rendered uncomfortable, their maladies aggravated, and, in many instances, dying in the removal.

Fourth. The regulations requiring reports from the regiments as to the number of sick, their diseases, and the wants of the medical station have not been complied with. The result of this neglect is that, upon a change of position in the Army, it has been the unhappy consequence that the number of sick greatly exceeded that indicated by the reports. They have been hurried to the rear, where the accommodations, both as to food, shelter, and medical attendance being all insufficient, there has been great suffering and great mortality. Upon inquiry the committee learned from the department of the Surgeon-General that on various occasions, without sufficient notice, large numbers of sick have reached Richmond in the cars when attention to them was impossible. Your committee also found, upon examination, that the regulation requiring that the regimental surgeon should, whenever a sick soldier was sent to the hospital—his descriptive roll as well as the nature of his disease should accompany him—has been sadly neglected. The evil of this neglect is felt in the impossibility of prompt medical treatment, as well as the almost insurmountable difficulty which obstructed every effort of friends to find and identify those to whom their attentions were so desirable. No legislation is necessary to cure this evil. The fault is with the surgeons and the officers of the regiments and the posts. Their authority is complete, and the evils referred to arise from the want of its exercise. In none of the hospitals accurate lists of the sick, convalescent, discharged, and dead have been found, but in a vast majority of instances the lists, instead of being made from regimental returns accompanying the sick, have been the result of inquiry and observation by the hospital surgeon. When to this is added that the absence of the descriptive roll prevented the sick from the use of their pay in the purchase of comforts for themselves, your committee feel it due to truth and justice to notice this neglect as seriously injuring the service.

Fifth. The indifferent, as well as the unwholesome, food provided for the sick, and the use of which by well men made them sick, attracted the attention of the committee. The rations were wholesome, sound, and abundant, but the cooking, particularly the bread, rendered it unsuitable for either sick or healthy men. Bread hastily made up of flour and water and imperfectly baked, almost incapable of being digested, was deemed a most fruitful source of disease. It was apparent at those camps where well-baked bread was served to the men that the amount of disease was greatly reduced. We think bakeries in Richmond and other convenient localities might be provided, and by serving good bread to the soldiers the saving in material would greatly overbalance any expense to the Government. Until good bread is furnished to the Army we look in vain for a permanent restoration of health. The rapid recovery of many who have been permitted to return home to get well demonstrates the efficacy of wholesome and nutritious diet rather than the use of medicines. The great majority of the deaths result from the want of proper nutriment, such as the impaired digestion of the patient can assimilate and without which it is impossible for him to recover. At Norfolk, at Staunton, and Charlottesville the amelioration of the condition of the sick by improved nutriment, comfortable hospitals, and hospital surgeons were strikingly apparent. The sickness and mortality at Norfolk were inconsiderable, because of the fresh vegetables, the good bread, good hospitals, and all the comforts necessary for the sick.

Sixth. The establishment of a corps of nurses for the camps, as well as the hospitals, would do much to mitigate the evils incident to the condition of the sick in camps. Good nursing is of equal value to medical attention. Without it the best skill is often unavailable. Constant attention and control of the sick can not be dispensed with, and the faithful application of remedies prescribed can not be expected from the attention of casual nurses. Our volunteer army are unaccustomed to such duties, and we shall vainly look for great improvement without the presence of constant and competent nurses for the sick.

Much of the insufficiency of the medical staff is to be attributed to unavoidable evils in the mode of appointment in the sudden organization of so large an army.

It was impossible for the head of this bureau to be thoroughly informed of the fitness of applicants for the position sought by them in the medical staff. He was necessarily dependent upon such means of information as the circumstances would allow, and depended mainly upon the recommendations of the field officers of the regiments to which the surgeons and their assistants were to be assigned. In this way many very young and inexperienced persons were recommended and appointed, and much evil resulted from their want of qualification for their duties. The older and best of the physicians of the country were not usually applicants for the places, and the selection was to be made from those who offered their services. The history of the war, up to a month or two since, has fully developed this evil, and the institution of a board of examiners, it is hoped, may afford some remedy. The service demands the best talents and the most enlarged experience, and the greatest circumspection is indispensable in assigning to such responsible duties those who seek appointments in the medical staff.

The want of medical stores is the result, in a great measure, of the existing blockade and the expense and difficulty in procuring those foreign medicines which are indispensable for the sick, and it is but just to say that great and unusually successful efforts have been made by the department in obtaining them.

The hospitals established by many of the States for the sick and wounded, and the admirable manner in which they have been conducted, demonstrates that, with the same care on the part of the Confederate Government, the condition of the sick and the prospects of recovery would be greatly improved. Hospital room and an increase of hospital surgeons and assistants are greatly needed.

In connection with the views of the committee upon the means best adapted to the preservation of the health of the Army and the restoration of the sick, they would call attention to the necessity of providing some practical, simple, and easy mode of obtaining furloughs for sick soldiers to visit their homes. The regulations requiring the certificate of the surgeon of regiments or hospitals, when the sick are far distant from their command, and the certificates of commanding officers opposing the application, is, in a large proportion of the cases, a virtual denial of the privilege. Observation proves that whenever it is possible to remove the sick in the low, depressing diseases of the camp, preying as much on the mind and spirit of the sufferer as on his body, a furlough and return to home and its associations caused speedy recoveries and return to duty. Some modifications of the law and regulations on this subject is indispensably necessary, or we may look with apprehension for the recuperation of our army by volunteers in the spring. They would recommend such legislation as would reach all cases removed from the regiments to hospitals by authorizing those in command of stations to grant furloughs or discharges, and simplify the process by which they are obtained, whilst sick, under the immediate observation of regimental authority.

The committee can not close this part of the subject without a testimonial to the kindness and patriotism of our citizens at home, manifested in their unremitting efforts to supply the wants and relieve the sufferings of the soldiers, sick and well. The supply of money, clothing, and hospital stores derived from this generous source is not only of immense value in itself, but the most cheering indication of the spirit of our people in the cause of our independence. The women of the country, with the tenderness and generosity of their sex, have not only loaded the cars with all those appliances for the comfort of the sick which their patriotic ingenuity could devise, but have also come to the rescue in clothing those who are well and bearing arms in the field. They have made large pecuniary contributions, taken charge of the hospitals established by the States, and, as matrons of those institutions, have carried cleanliness and comfort to the gallant soldier far from home and kindred. To the women of the country simple gratitude demands that public thanks be given, and a public acknowledgment of their faithfulness in the glorious work of effecting our independence.

As a part of their duty the committee visited and examined the prisons and hospitals of the prisoners in Richmond. The sick and wounded were fully cared for, and the food furnished for all was both wholesome and ample. There was no cause of complaint in the entire management. Both medical attention and the supply of necessities for food were such as justice and humanity demanded.

*Inspection and reports.*

The health, comfort, and efficiency of the Army result less from defects in legislation than the proper enforcement of the regulations and a regular and thorough system of inspection.

The offices of adjutant and inspector generals, now united, have distinct and separate duties.

The labors of the adjutant generally confine him to his desk; those of the inspector demand his active presence in the field.

The adjutant is the channel of communication in all matters relating to the discipline and organization of the Army, and these officers are constantly occupied with the details of service and in office duties.

The duties of the inspector are, by personal investigation, to learn whether the rules and regulations of the Army are properly enforced, and to report when, where, by whom, and in what manner they have been neglected.

A detail of the duties and the requirements of the reports are embraced in the following sections of the Army Regulations:

*Inspection reports.*

"462. Inspection reports will show the discipline of the troops; their instruction in all military exercises and duties; the state of their arms, clothing, equipments, and accouterments of all kinds; of their kitchens and messes; of the barracks and quarters at the post; of the guardhouse, prisons, hospital, bakehouse, magazines, store-houses and stores of every description; of the stables and horses; the condition of the post school; the management and application of the post and company funds; the state of the post and regimental and company books, papers, and files; the zeal and ability of the officers in command of troops; the capacity of the officers conducting the administrative and staff services, the fidelity and economy of their disbursements; the condition of all public property and the amount of money in the hands of each disbursing officer; the regularity of issues and payments; the mode of enforcing discipline by courts-martial and by the authority of the officers; the propriety and legality of all punishments inflicted, and any information whatsoever concerning the service in any matter or particular that may merit notice or aid to correct defects or introduce improvements.

"463. Inspectors are required particularly to report if any officer is of intemperate habits or unfit for active service by infirmity or any other cause."

The importance and extent of these duties show that all the time, attendance, and labor of an efficient corps is necessary for their performance, with such rank as to induce respect and obtain able and energetic officers.

The separation would be less imperative in an army thoroughly organized and disciplined, but the immense number of raw recruits and uninstructed officers renders it indispensable to indoctrinate as well as to supervise.

The reports should be made to the Inspector-General at the War Department, as well as to the commander to whose staff the inspector is attached, thereby insuring the performance of the duties by the inspectors enforcing the requirements for officers to remedy defects throughout their command and bringing before the Secretary of War a knowledge of the condition of the Army.

*Medical inspectors.*

By the regulations the medical director is made the inspector of hospitals and required to enforce the regulations, etc. Like the adjutant, his time is so much occupied by the details of service that, in most instances, this important duty has been neglected, and the committee suggest for the consideration of Congress, if it is not due to the proper care of the sick and the protection of the well from disease, to add officers to the present medical staff, whose duties should require them to inspect and report upon the sanitary condition and police of hospitals, camps, and posts occupied by troops, and the skill and efficiency of the officers, stewards, nurses, and employees attached to this department.

All of which is respectfully submitted.

T. N. WAUL, *For the Committee.*

Mr. Perkins, from the Committee on Commercial and Financial Independence, to whom was referred a communication relative to a change in the weights and measures of the Confederacy, reported the following resolution; which was read and agreed to, to wit:

*Resolved*, That Captain Matthew F. Manry and Professors A. T. Bledsoe and F. Smith, of the University of Virginia, be, and they are hereby, appointed by Congress to draw up a system of weights and measures and coins, to be presented to the Confederate Congress for its consideration.

Mr. Barnwell, from the Committee on Finance, reported and recommended the passage of



A bill to transfer funds from the Quartermaster's to the Ordnance Department;  
which was read first and second times.

Mr. T. R. R. Cobb moved that the bill be placed on the Calendar and printed.

The motion did not prevail.

And the bill was engrossed, read a third time, and passed.

Mr. Hale, from the Committee on the Judiciary, to whom was referred the petition of H. Y. Gray, reported the same back, asked to be discharged from its further consideration, and that the petition lie on the table; which was agreed to.

Mr. Hale, from the same committee, to whom was referred a memorial relating to the completion of a railroad in Texas, reported the same back, asked to be discharged from its further consideration, and that the memorial be referred to the Committee on Military Affairs; which was agreed to.

On motion of Mr. Hale, Congress resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Pryor, from the Committee on Military Affairs, reported and recommended the passage of

A bill to amend an act entitled "An act for the establishment and organization of a general staff for the Army of the Confederate States of America;"

which was read first and second times.

Mr. Avery moved that the bill be placed on the Calendar and printed.

Mr. Campbell moved that the consideration of the bill be indefinitely postponed.

The motion prevailed.

Mr. Hale, from the Committee on Military Affairs, to whom was referred the petition of James P. Owen, acting assistant surgeon, reported the same back, asked to be discharged from its further consideration, and that the petition be referred to the Committee on Claims; which was agreed to.

Mr. Hale, from the same committee, reported and recommended the passage of

A bill to provide for an increase in the Quartermaster and Commissary Departments;

which was read first and second times.

Mr. Howell Cobb moved to amend by striking out all after the enacting clause and to insert in lieu thereof the following, to wit:

That the duty of paymasters in the Army shall hereafter be discharged by the brigade quartermasters.

Mr. Pryor moved to amend by adding the following proviso, to wit:

*Provided*, That no quartermaster, assistant quartermaster, commissary, or assistant commissary be authorized to employ a clerk, but the commanding officer of quartermasters, assistant quartermasters, commissaries, or assistant commissaries shall detail from the ranks under his command such person or persons as may be necessary for service in the offices of said quartermasters, assistant quartermasters, commissaries, and assistant commissaries.

Mr. Avery moved to postpone the consideration of the unfinished business, to conclude the call of the committees.

The motion did not prevail.



Congress then proceeded to the consideration of the unfinished business; which was the consideration of the amendment of Mr. Monroe to the first section of a bill to amend the sequestration act, etc.

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to aid the State of Kentucky, and for other purposes;

An act to amend an act entitled "An act to provide for the public defense." approved March 6, 1861; and

An act to amend an act supplemental to an act to establish the judicial courts of the Confederate States of America, approved May 21, 1861.

On motion of Mr. Seddon,

Congress then adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Hale, from Committee on the Judiciary, to which had been referred the communication of the President of January 14, nominating marshals and district attorneys for the State of Tennessee, reported the same back, with the recommendation that Congress advise and consent to the same.

Mr. Jones moved to postpone the consideration of the confirmation of J. C. Ramsey as district attorney and J. H. Hale as marshal of the eastern district of Tennessee.

And also the nomination of John L. Sehon as district attorney and Jesse B. Clements as marshal for the middle district of Tennessee.

The motion prevailed.

B. M. Estes as district attorney and W. W. Gates as marshal of the western district of Tennessee were confirmed, Congress advising and consenting to the same.

Congress then resolved itself into legislative session.

#### FIFTY-SEVENTH DAY—THURSDAY, JANUARY 30, 1862.

#### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Butler.

Congress then resolved itself into secret session.

#### SECRET SESSION.

Congress being in secret session,

Mr. Johnson of Arkansas presented a communication on the subject of a flag; which was referred to the Committee on the Flag and Seal of the Confederacy, without being read.

Mr. Garland introduced

A bill supplementary to an act to fix the pay of members of Congress of the Confederate States of America; which was read first and second times and referred to the Committee on Pay and Mileage.

Mr. Howell Cobb offered the following resolution:

*Resolved*, That the Committee on Printing be instructed to prepare and report a bill providing for, at an early day as practicable, the publication of the journal of the convention that adopted the provisional and permanent Constitutions of the Confederate States of America.

Mr. Perkins moved to amend by striking out "at an early day as practicable" and inserting in lieu thereof "for future publication."

Mr. Hill moved to lay the resolution and amendment on the table; When,

Mr. Howell Cobb, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, Hale, and Jones. Nay: Mr. McRae.

Arkansas—Yea: Mr. Garland. Nay: Messrs. Thomason and Watkins.

Florida—Nay: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Mr. Hill. Nay: Messrs. Toombs, Howell Cobb, Foreman, Crawford, and Kenan.

Kentucky—Yea: Messrs. Monroe, Johnson, Thomas, and White.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. Perkins, De Clouet, and Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Harrison, and Campbell. Nay: Messrs. Orr and Bradford.

Missouri—Yea: Messrs. Conrow, Vest, and Freeman. Nay: Messrs. Clark, Peyton, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, Smith, Ruffin, McDowell, and Morehead. Nay: Messrs. Venable and Davidson.

South Carolina—Yea: Messrs. Barnwell and Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Messrs. House and Currin. Nay: Messrs. Jones, De Witt, and Thomas.

Texas—Nay: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Scott, Johnston, Staples, and Walter Preston. Nay: Messrs. Macfarland, Boccock, Boteler, Brockenbrough, and Russell.

Yea: Alabama, Kentucky, Mississippi, North Carolina, and South Carolina, 5.

Nay: Arkansas, Florida, Georgia, Louisiana, Tennessee, and Texas, 6.

Divided: Missouri and Virginia, 2.

So the motion to lay on the table did not prevail.

EXECUTIVE DEPARTMENT,  
Richmond, January 30, 1862.

*Mr. President:* The President on yesterday approved and signed

An act to amend an act supplemental to an act to establish the judicial courts of the Confederate States of America, approved May 21, 1861;

An act to amend an act entitled "An act to provide for the public defense," approved March 6, 1861; also

An act to aid the State of Kentucky, and for other purposes.

ROBERT JOSSELYN,  
*Private Secretary.*

Mr. Orr, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to explain an act entitled "An act to amend an act entitled 'An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions,

improvements, and designs,' approved May twenty-first, eighteen hundred and sixty-one;"

An act to transfer funds from the Quartermaster's to the Ordnance Department; and

An act to repeal so much of the laws of the United States adopted by the Congress of the Confederate States as authorize the naturalization of aliens.

And the question being upon agreeing to the amendment of Mr. Perkins,

Mr. Howell Cobb, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon, and pending the vote on which, the morning hour having expired,

Mr. Russell, by general consent, was allowed to introduce

A bill to amend an act to provide for local defense and special service;

which was read first and second times and referred to the Committee on Military Affairs.

Mr. Ward, by general consent, offered a communication in relation to the completion of a railroad in the State of Florida for military purposes; which was referred to the Committee on Military Affairs, without being read.

Mr. Hale, from the Committee on Military Affairs, moved to postpone the special order of the day, for the purpose of taking up

A bill to provide for connecting the Richmond and Danville and the North Carolina Railroads, for military purposes.

The motion was agreed to, and Congress proceeded to the consideration of the bill.

And the first section of the same being under consideration: which is as follows, to wit:

Whereas the President in his message to Congress on the nineteenth day of November, eighteen hundred and sixty-one, has expressed the opinion that the construction of a railroad between the Richmond and Danville Railroad at or near Danville, in the State of Virginia, and the North Carolina Railroad at or near Greensborough, in the State of North Carolina, so as to connect the said roads, is indispensable for the most successful prosecution of the war, in which opinion Congress fully concurs: Now, therefore,

*It is enacted by the Congress of the Confederate States of America,* That the President be, and he is hereby, authorized and empowered to contract, upon such terms and conditions as he may think proper, with any company or companies which have been or may be organized for the purpose of building a railroad so as to connect the said Richmond and Danville Railroad with the North Carolina Railroad at such points as he may deem most advantageous to the Government, or to adopt such other course for building or having the said road built, so as to effect the said connection in the manner he may think will best promote the public interest.

Mr. Davis moved to amend by striking out the word "said" where it occurs before the word "Richmond."

The amendment was agreed to.

And the second section of the bill being under consideration; which is as follows, to wit:

SEC. 2. *Be it further enacted,* That to enable the President to accomplish the object contemplated by this act, the sum of \_\_\_\_\_ dollars are hereby appropriated out of any money in the Treasury not otherwise appropriated, to be drawn for by the President at such times and in such sums as he may deem proper.

Mr. Hale moved to fill the blank in the same with the words "one million of dollars in bonds of the Confederate States."

The amendment was agreed to.

Mr. Hale moved further to amend by striking out the words "out of any money in the Treasury not otherwise appropriated, to be drawn for by" and inserting in lieu thereof the words "to be issued and applied by order of the."

The amendment was agreed to.

And the section as amended reads as follows, to wit:

SEC. 2. *Be it further enacted*, That to enable the President to accomplish the object contemplated by this act, the sum of one million of dollars in bonds of the Confederate States are hereby appropriated, to be issued and applied by order of the President at such times and in such sums as he may deem proper.

Congress then recurred to the first section of the bill, when Mr. Venable moved to amend by inserting after the word "with" the words "of any."

The amendment was not agreed to.

Mr. Foreman moved to lay the whole subject on the table, when Mr. Hale called the question; which was seconded, and the vote having been taken, the motion did not prevail.

Mr. Johnston of Virginia moved to amend as follows, to wit:

To insert after the word "be" the words "incorporated and," and to insert after the word "building" the words "and working," and to insert after the word "rail road" the words "and railroads," and to insert after the word "building," when it occurs again, the words "and working," and to insert after the word "built" the words "and worked."

The amendments were agreed to, and the section as amended reads as follows, to wit:

*It is enacted by the Congress of the Confederate States of America*, That the President be, and he is hereby, authorized and empowered to contract, upon such terms and conditions as he may think proper, with any company or companies which have been or may be incorporated and organized for the purpose of building and working a railroad or railroads, so as to connect the said Richmond and Danville Railroad with the North Carolina Railroad at such points as he may deem most advantageous to the Government, or to adopt such other course for building and working or having the said road built and worked, so as to effect the said connection in the manner he may think will best promote the public interest.

Mr. Campbell moved to reconsider the vote by which the resolution offered by Mr. Perkins was passed, appointing Capt. Matthew F. Maury and Profs. A. T. Bledsoe and F. Smith, of the University of Virginia, to draw up a system of weights and measures and coins, etc.

Mr. Puryear moved to reconsider the vote by which the amendment of Mr. Venable to the first section was lost, and upon which, at the instance of the State of North Carolina, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Chilton, and Jones. Nay: Messrs. Curry, Hale, and McRae.

Arkansas—Yea: Messrs. Rust, Garland, and Watkins. Nay: Mr. Thomason.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Toombs, Crawford, Hill, and Kenan.

Kentucky—Yea: Mr. Monroe. Nay: Mr. H. C. Burnett.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Orr and Harrison. Nay: Messrs. Harris, Brooke, Bradford, and Campbell.

Missouri—Yea: Messrs. Harris and Vest. Nay: Messrs. Clark, Peyton, Conrow, and Bell.



North Carolina—Yea: Messrs. Davis, Ruffin, McDowell, Venable, Morehead, and Puryear. Nay: Messrs. Avery, Smith, and Davidson.

South Carolina—Yea: Messrs. Rhett and Barnwell. Nay: Messrs. Memminger and Boyce.

Tennessee—Yea: Mr. Jones. Nay: Messrs. House, Thomas, and Currin.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Hunter, Bocoek, and Brockenbrough. Nay: Messrs. Rives, Scott, Johnston, and Walter Preston.

Yea: Arkansas, Florida, Louisiana, North Carolina, and Texas. 5.

Nay: Georgia, Mississippi, Missouri, and Tennessee. 4.

Divided: Alabama, Kentucky, South Carolina, and Virginia. 4.

So the motion to reconsider did not prevail.

The preamble of the bill being under consideration: which is as follows, to wit:

Whereas the President in his message to Congress on the nineteenth day of November, eighteen hundred and sixty-one, has expressed the opinion that the construction of a railroad between the Richmond and Danville Railroad at or near Danville, in the State of Virginia, and the North Carolina Railroad at or near Greensborough, in the State of North Carolina, so as to connect the said roads, is indispensable for the most successful prosecution of the war, in which opinion Congress fully concurs: Now, therefore.

Mr. Davis moved to strike out the same, and upon which motion, at the instance of the State of North Carolina, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, and Jones. Nay: Mr. Hale.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Rust, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Owens. Nay: Mr. Ward.

Georgia—Yea: Messrs. Toombs, Foreman, Crawford, and Kenan. Nay: Mr. Hill.

Kentucky—Yea: Messrs. Monroe and H. C. Burnett.

Louisiana—Yea: Messrs. Perkins and De Clouet. Nay: Messrs. Conrad and Kenner.

Mississippi—Yea: Messrs. Orr, Bradford, Harrison, and Campbell. Nay: Messrs. Harris and Brooke.

Missouri—Yea: Messrs. Clark and Vest. Nay: Messrs. Peyton, Harris, Conrow, and Bell.

North Carolina—Yea: Messrs. Davis, Ruffin, McDowell, and Venable. Nay: Messrs. Avery, Morehead, Puryear, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Boyce.

Tennessee—Yea: Mr. Jones. Nay: Messrs. House, Thomas, and Currin.

Texas—Yea: Messrs. Waul and Oldham. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Bocoek and Scott. Nay: Messrs. Seddon, Hunter, Rives, Brockenbrough, and Johnston.

Yea: Alabama, Florida, Georgia, Kentucky, Mississippi, South Carolina, and Texas. 7.

Nay: Arkansas, Missouri, Tennessee, and Virginia. 4.

Divided: Louisiana and North Carolina, 2.

So the motion to strike out prevailed.

Mr. Garland moved that Congress do now adjourn.

The motion was lost.

And the question being upon ordering the bill to be engrossed for a third reading,

Mr. Toombs, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Messrs. Smith, Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Rust and Thomason. Nay: Messrs. Garland and Watkins.

Florida—Yea: Messrs. Morton and Ward. Nay: Mr. Owens.

Georgia—Yea: Mr. Hill. Nay: Messrs. Toombs, Foreman, Crawford, and Kenan.

Kentucky—Yea: Mr. Monroe. Nay: Mr. H. C. Burnett.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, and Bradford. Nay: Messrs. Orr, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Peyton, Conrow, Vest, and Bell. Nay: Mr. Harris.

North Carolina—Yea: Messrs. Avery, Venable, Morehead, Puryear, and Davidson. Nay: Messrs. Davis, Ruffin, and McDowell.

South Carolina—Yea: Messrs. Memminger and Boyce. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Mr. Currin. Nay: Messrs. House, Jones, and Thomas.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, Hunter, Bocoek, Rives, Scott, and Brockenbrough.

Yea: Florida, Louisiana, Missouri, North Carolina, Texas, and Virginia, 6.

Nay: Alabama, Georgia, and Tennessee, 3.

Divided: Arkansas, Kentucky, Mississippi, and South Carolina, 4.

So the Congress refused to order the bill to be engrossed for a third reading.

On motion of Mr. Rhett,

Congress adjourned until 12 o'clock m. to-morrow.

## FIFTY-EIGHTH DAY—FRIDAY, JANUARY 31, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Baker.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

The Chair presented certain estimates from the Secretary of the Treasury; which were read and referred to the Committee on Finance.

Congress then proceeded to the consideration of the unfinished business of the morning hour; which was the consideration of the amendment of Mr. Perkins to the resolution offered by Mr. Howell Cobb.

And Mr. Cobb having modified his resolution by accepting the amendment of Mr. Perkins, withdrew his call for the yeas and nays, and the question being upon agreeing to the resolution as modified, the vote was taken, and the resolution was adopted, and is as follows, to wit:

*Resolved*, That the Committee on Printing be instructed to prepare and report a bill providing for the future publication of the journal of the convention that adopted the provisional and permanent Constitutions of the Confederate States of America.

Mr. Foreman presented the presentment of the grand jury of the district court of Georgia; which was referred to the Committee on the Judiciary, without being read.

Mr. Perkins presented two designs for a flag; which were referred to the Committee on Flag and Seal of the Confederacy.

Also, the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on the Flag and Seal of the Confederacy be instructed to inquire into the propriety of so changing the Confederate flag as to make it more easy to be distinguished from that of the United States.

Mr. Bradford presented a communication relative to a change of weights and measures; which was referred to the Committee on Commercial and Financial Independence, without being read.

Mr. Brooke introduced

A bill to reimburse the State of Mississippi; which was read first and second times and referred to the Committee on Finance.

Mr. Vest introduced

A bill supplementary to and amendatory of an act for the relief of the State of Missouri; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Cooke presented

A bill to encourage enlistments for the Confederate Army in the State of Missouri; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Harris presented a design for a flag; which was referred to the Committee on the Flag and Seal of the Confederacy.

Mr. Waul moved to reconsider the vote by which a bill to establish and organize a general staff for the Army of the Confederate States was indefinitely postponed.

Mr. Currin introduced

A bill to establish a post route from Shelby Depot, in Shelby County, Tenn., to the town of Portersville, in Tipton County, Tenn.; which was read first and second times and referred to the Committee on Postal Affairs.

Mr. Ochiltree moved to take up for consideration a bill on the Calendar to fix the rank and to provide for the pay of certain officers therein named.

The motion was not agreed to.

Mr. Foreman moved to reconsider the vote just taken.

The motion to reconsider did not prevail.

Mr. Boyce offered

A resolution instructing the Committee on the Judiciary to inquire as to the expediency of prohibiting members of Congress and Gov-

ernment officers and agents from making and being interested in Government contracts, etc.; which was read and agreed to.

Mr. Orr presented the memorial of Samuel W. Dalton; which was referred to the Committee on Claims, without being read.

Mr. Harris of Mississippi introduced

A bill entitled "An act supplemental to an act entitled 'An act [*sic.*]; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Boteler presented a design for a flag; which was referred to the Committee on the Flag and Seal of the Confederacy.

Also, the memorial of Thomas Maslin; which was referred to the Committee on Claims, without being read.

Mr. Macfarland presented a design for a flag; which was referred to the Committee on the Flag and Seal of the Confederacy.

Mr. Chilton offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Military Affairs be instructed to prepare and report a bill for the digesting and publishing, with a proper index, of all the laws adopted by the Congress of the Confederate States on the subject of raising and equipping troops, and the regulations adopted by the War Department regulating the recruiting service, in such number as may meet the exigencies of the public service.

EXECUTIVE DEPARTMENT,

*Richmond, January 31, 1862.*

*Mr. President:* The President on yesterday approved and signed

An act to transfer funds from the Quartermaster's to the Ordnance Department.

ROBERT JOSSELYN,

*Private Secretary.*

Congress then proceeded to the consideration of the unfinished business; which was the consideration of the proviso offered by Mr. Pryor to a bill to provide for an increase of the Quartermaster and Commissary Departments.

Mr. Hale moved to amend the amendment of Mr. Pryor by inserting after the word "persons" the words "with the consent of the person so detailed."

The amendment was agreed to.

And the question being upon agreeing to the amendment as amended, the vote was taken, and the same was adopted.

Mr. Conrad moved to amend by striking out the words "transportation service or any other service required to promote the efficiency of the Army."

The amendment was agreed to.

And the question recurring upon the substitute offered by Mr. Howell Cobb,

Mr. Toombs moved to amend the same by adding thereto the proviso offered by Mr. Pryor.

The amendment was agreed to.

And the question recurring upon agreeing to the substitute as amended,

Mr. Hale, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows:

Alabama—Yea: Messrs. Curry, Chilton, and Jones. Nay: Messrs. Smith, Hale, and McRae.



Arkansas—Yea: Messrs. Johnson, Rust, Garland, and Watkins.  
Nay: Mr. Thomason.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Foreman, Crawford, Bass, and T. R. R. Cobb. Nay: Mr. Kenan.

Kentucky—Yea: Messrs. Monroe, H. C. Burnett, Thomas, and Elliott. Nay: Mr. Johnson.

Louisiana—Nay: Messrs. Perkins, De Clouet, and Conrad.

Mississippi—Nay: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Harris, Conrow, and Vest. Nay: Mr. Peyton.

North Carolina—Yea: Messrs. Puryear and Craige. Nay: Messrs. Davis, Avery, Ruffin, Venable, Morehead, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. Jones and De Witt. Nay: Mr. Thomas.

Texas—Yea: Mr. Oldham. Nay: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Boccock, Boteler, Brockenbrough, and Walter Preston. Nay: Messrs. Johnston and Staples.

Yea: Arkansas, Florida, Georgia, Kentucky, Missouri, South Carolina, Tennessee, and Virginia, 8.

Nay: Louisiana, Mississippi, North Carolina, and Texas, 4.

Divided: Alabama, 1.

So the substitute as amended was adopted.

And the bill was engrossed, read a third time, and passed.

And the title of the same, on motion of Mr. H. C. Burnett, was amended by striking out the whole of the same and inserting in lieu thereof the words:

To require brigade quartermasters to perform the duties of paymasters in the Army, and for other purposes.

Mr. Harris of Mississippi moved to reconsider the vote on the passage of the bill.

Also, to reconsider the vote by which the Congress refused to order to be engrossed for a third reading

A bill to provide for connecting the Richmond and Danville and the Greensborough Railroads in North Carolina, for military purposes.

Congress then proceeded to the consideration of the special order of the day; which was the amendment of Mr. Monroe to the first section of a bill to amend the sequestration act, etc.

On motion of Mr. Toombs, and by unanimous consent, Congress proceeded to consider the motion of Mr. Pryor to reconsider the vote on the passage of

A bill to provide for granting furloughs in certain cases.

And the vote being taken, the motion to reconsider did not prevail.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

The Chair presented a communication from the President, transmitting to Congress the report of the battle of Chustenahlah; which was referred to the Committee on Military Affairs.

Also, certain estimates from the Secretary of the Treasury; which were referred to the Committee on Finance, without being read.

On motion of Mr. Kenner,

Congress then adjourned until 12 o'clock m. to-morrow.

## EXECUTIVE SESSION.

Congress being in executive session,  
The Chair laid before Congress the following message of the President:

RICHMOND, *January 28, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

## MEDICAL DEPARTMENT.

*Surgeons.*

A. J. Foard, of Georgia; Edwd. A. Flewellen, of Georgia; William D. Lyles, of Mississippi; A. J. Semmes, of Louisiana; Joseph R. Hill, of Mississippi; W. S. Mitchell, of Louisiana; Robert Battey, of Georgia; J. W. Hutchings, of North Carolina; A. J. Sykes, of Alabama; J. W. Powell, of South Carolina; U. R. Jones, of Alabama; Robert E. Moore, of Alabama; J. F. Moore, of Mississippi; S. E. Habersham, of Georgia; M. S. Thomas, of Maryland; E. Lloyd Howard, of Virginia; William Hay, of Virginia; Robert P. Page, of Virginia; H. R. Noel, of Virginia; James Parrish, of Virginia; A. M. Fauntleroy, of Virginia; James T. Johnson, of North Carolina; N. S. Crowell, of South Carolina; James C. Herndon, of Virginia; Thomas F. Maury, of Virginia; J. M. Green, of Georgia; W. H. Anderson, of Alabama; Robinson Miller, of Alabama; James T. Reese, of Alabama; Robert H. Redwood, of Alabama; Nathaniel Friend, of Alabama; John B. Barnette, of Alabama; A. S. Baldwin, of Florida; John H. McAden, of North Carolina; Paul C. Lee, of Alabama; William H. Philpot, of Georgia; J. F. Bell, of Louisiana; Charles Brewer, of Maryland; Edwd. N. Covey, of Maryland; Stokes A. Smith, of Louisiana; Carey B. Gamble, of Florida; J. McF. Gaston, of South Carolina; J. H. Claiborne, of Virginia; James Dunn, of Virginia; R. P. Walton, of Virginia; C. W. Chancellor, of Virginia; G. W. Thornhill, of Virginia; William J. Moore, of Virginia; George W. Briggs, of Virginia; J. S. Wellford, of Virginia; William M. Wilson, of Virginia; J. F. Grall, of Louisiana; William F. Camp, of Mississippi; O. Metcalfe, of Virginia; J. A. Straith, of Virginia; Felix Formento, of Louisiana; James F. Heustis, of Alabama; James C. Mullins, of South Carolina; David E. Ewart, of South Carolina; John C. Cummings, of Tennessee; Richard Potts, of Maryland; Robert L. Brodie, of South Carolina; N. Chaffee, of Mississippi; H. Estes, of Mississippi; John R. Page, of Virginia; A. H. Snead, of Virginia; Eli Geddings, of South Carolina; F. M. Robertson, of South Carolina; Charles B. Morton, of Virginia; Isham R. Page, of Virginia; J. S. Tanner, of Virginia; W. B. Davies, of Virginia; Marion Howard, of Virginia; John J. Gaenslen, of Virginia; D. H. Tucker, of Virginia; S. R. Sayers, of Virginia; J. Hunter Berrien, of Georgia; Alexander Jones, of Texas.

*Assistant surgeons.*

Egbert B. Johnston, of Alabama; Henry F. Andrews, of Georgia; P. W. Park, of Alabama; H. F. Butt, of Virginia; T. A. Means, of Georgia; C. A. Rice, of Mississippi; W. H. Sanders, of Alabama; W. B. Gregory, of Alabama; J. W. Caldwell, of North Carolina; W. A. Robertson, of Louisiana; G. L. Jones, of Georgia; Le Grand G. Capers, of Georgia; Thomas B. Ward, of Virginia; Thomas R. Micks, of North Carolina; E. B. Perrin, of Alabama; R. K. Carter, of Virginia; Henry A. Minor, of Virginia; James Thornley, of Virginia; James D. Galt, of Virginia; John Clopton, of Virginia; A. H. Powell, of Virginia; Colby Cowherd, of Virginia; J. W. McIlhany, of Virginia; E. M. Watts, of Virginia; H. J. Means, of Mississippi; J. M. Rogers, of Mississippi; J. W. D. Hill, of Mississippi; J. H. Bloxom, of Mississippi; Richard Burnham, of South Carolina; J. F. Darroh, of South Carolina; W. D. Chapman, of Virginia; George Allen, of Mississippi; James Semple, of —; John B. Kelly, of Alabama; S. W. Archer, of Virginia; J. H. Morton, of Tennessee; P. G. Robinson, of South Carolina; J. A. S. Milligan, of Georgia; J. B. Ficklen, of Georgia; L. M. Austin, of South Carolina; J. B. Coakley, of Virginia; F. L. Frost, of South Carolina; Thomas B. Lane, of Virginia; G. W. Graves, of Alabama; W. J. Barry, of Virginia; C. D. Fletcher, of Virginia; W. S. Love, of Louisiana; J. F. Davis, of —; V. L. Perry, of Maryland; B. St. George Tucker, of Virginia; Edward Rives, of Virginia; James H. Gaskins, of Virginia; F. T. Fry, of Virginia; Harold Snowden, of Virginia; H. C.

Chalmers, of Virginia; William M. Turner, of Virginia; Tomlin Braxton, of Virginia; John C. Baylor, of Virginia; Herbert M. Nash, of Virginia; A. T. Bell, of Virginia; T. H. Fisher, of Virginia; B. M. Leiby, of Tennessee; J. W. Sears, of Alabama; Willis W. Keith, of South Carolina; T. H. Wingfield, of North Carolina; William H. Mosely, of Florida; B. F. Blount, of Alabama; H. F. Witherspoon, of Louisiana; E. M. Seabrook, of South Carolina; F. L. Parker, of South Carolina; John M. Richmond, of South Carolina; Edmund Mason, of Virginia; R. M. Terrill, of Virginia; G. A. D. Galt, of Virginia; J. Washington Ashby, of Virginia; Landon A. Woodson, of Virginia; P. S. Dance, of Virginia; W. F. De Witt, of Georgia; J. C. Farley, of Alabama; J. D. Morgan, of Alabama; Thomas W. Upshur, of Virginia; W. T. Merritt, of Virginia; Francis A. Walke, of Virginia; W. M. Morris, of Virginia; John S. Wharton, of Virginia; R. V. Leach, of Maryland; D. L. McLaughlin, of Maryland; J. J. O'Donnell, of Maryland; Franklin J. White, of Virginia; L. U. Mayo, of Virginia; John E. Logan, of North Carolina; George T. Harrison, of Virginia; V. W. Harrison, of Virginia; J. P. Wall, of Florida; James S. Gilliam, of Virginia; J. G. Trevilian, of Virginia; J. E. Hall, of Virginia; T. B. Wilkerson, of North Carolina; Charles Selden, of Virginia; W. H. Priolean, of South Carolina; P. G. Valentine, of Kentucky; A. R. Barry, of Maryland; Daniel W. Schmidt, of Georgia; William G. Hancock, of North Carolina; Benjamin M. Cromwell, of——; Lewis E. Gott, of Maryland; T. O. Barnwell, of South Carolina; H. W. Moore, of Virginia; W. J. Holt, of Georgia; J. S. Herron, of Florida; James Purviance, of Louisiana; R. B. S. Hargis, of Mississippi; J. A. Shelby, of Mississippi; R. A. Cole, of Mississippi; S. A. Holt, of Mississippi; J. L. Carter, of Mississippi; George Ross, of Virginia; T. L. Robinson, of Virginia; N. G. West, of Virginia; M. N. Fleming, of Virginia; John T. Jones, of Virginia; T. A. Michie, of Virginia; R. A. B. Munson, of Virginia; W. H. Peck, of Alabama; F. D. Wheelwright, of Virginia; W. L. Baylor, of Virginia; W. H. Baptist, of Alabama; G. G. Mathews, of Alabama; Mathew Turner, of Alabama; A. S. Murphy, of Alabama; J. P. Hope, of Virginia; J. C. Mobley, of South Carolina; P. B. Baker, of Virginia; Junius Michie, of Virginia; Robert M. Evans, of Tennessee; W. W. Hammer, of Virginia; J. C. Brown, of Virginia; H. V. Gray, of Virginia; Joseph Crockett, of Virginia; Elvis McCrory, of Mississippi; James M. Hoyle, of Mississippi; W. H. Burton, of Mississippi; W. A. Collins, of Mississippi; W. A. Thompson, of——; T. J. L. De Yampert, of Mississippi; K. C. Divine, of Mississippi; James Guild, of Alabama; Frank Hawthorn, of Alabama; Thomas E. Williams, of Virginia; J. T. Spencer, of Virginia; L. L. Strozer, of Georgia; J. M. Rust, of Virginia; William H. Taylor, of Virginia; H. F. Andrews, of Georgia; W. R. Putney, of Virginia; M. Ritenour, of Virginia; T. C. Montague, of Virginia; Thomas Gaddis, of Virginia; F. L. Bronaugh, of Virginia; W. E. Kemble, of Virginia; A. Howard Scott, of Virginia; George G. Griffin, of Georgia; T. L. Taylor, of Virginia; J. W. Hall, of North Carolina; Benjamin H. Riggs, of Alabama; Robert F. Matting, of Alabama; B. S. Barnes, of Alabama; R. D. Bagnall, of Virginia.

The nominations were referred to the Committee on Military Affairs. Congress then resumed business in legislative session.

## FIFTY-NINTH DAY—SATURDAY, FEBRUARY 1, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Baker.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Mr. T. R. R. Cobb moved that

A bill explanatory of the appropriation for removal of the seat of government, which was reported back unfavorably from the Committee on the Judiciary and laid on the table, be taken up and referred to the Committee on Finance.

The motion was agreed to.



Mr. Johnson of Kentucky introduced the following resolution; which was read and agreed to, to wit:

*Resolved*, That five hundred copies of the President's message of the of December, eighteen hundred and sixty-one, recommending the passage of the act admitting the State of Kentucky into the Confederacy, with the accompanying documents, together with the act of Congress, be published for the use of the members and government of Kentucky.

Mr. Orr introduced

A bill supplemental to an act entitled "An act to establish the date from which the commissions of certain staff officers shall take effect;" which was read first and second times and referred to the Committee on Military Affairs.

Mr. Boteler presented a design for a flag; which was referred to the Committee on Flag and Seal.

Mr. Barnwell, from the Committee on Finance, by general consent, reported back and recommended the passage of

A bill making appropriations for the payment of certain interest due severally, to the banks at Memphis, on advances made by them to Maj. Gen. Leonidas Polk, for the benefit of the public service; which was engrossed, read a third time, and the question being on the passage of the same,

Mr. Crawford, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and Jones. Nay: Mr. Curry.

Arkansas—Yea: Messrs. Rust, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Ward and Owens.

Georgia—Yea: Messrs. Howell Cobb and Foreman. Nay: Messrs. Toombs, Crawford, Bass, Hill, T. R. R. Cobb, and Kenan.

Kentucky—Yea: Messrs. Monroe, H. C. Burnett, Thomas, White, and Elliott. Nay: Mr. Johnson.

Louisiana—Yea: Messrs. De Clouet and Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Davis, McDowell, Venable, Puryear, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. House, Jones, De Witt, Thomas, and Currin.

Texas—Yea: Messrs. Waul and Oldham. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Scott, Boteler, Russell, Johnston, Staples, and Walter Preston.

Yea: Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 12.

Nay: Georgia, 1.

So the bill was passed.

Also, a bill to authorize certain financial arrangements at the Treasury; which was read first and second times, engrossed, read a third time, and passed.

Mr. Barnwell introduced



A bill to make appropriations for the execution of the act providing for the sequestration of the estates of alien enemies; which was read first and second times and referred to the Committee on Finance.

Mr. Harris of Mississippi, from the Committee on Military Affairs, to whom was referred

A bill to amend a bill in regard to recruiting stations, etc., reported the same back, asked to be discharged from its further consideration, and that the bill lie on the table.

On motion of Mr. Macfarland, the bill was placed on the Calendar.

Mr. Harris of Mississippi, from the same committee, reported back and recommended the passage of

A bill supplemental to an act entitled "An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army;"

which was engrossed, read a third time, and passed.

Mr. Hale, from the same committee, reported back and recommended the passage of

A bill supplemental to an act entitled "An act to raise an additional force to serve during the war." approved May 8, 1861, and for other purposes.

Mr. Jones of Tennessee moved that the bill be placed on the Calendar and printed.

Mr. Thomason called the question; which was seconded, and the vote being taken, the motion to place on the Calendar and print did not prevail.

The bill was then engrossed, read a third time, and the question being on the passage of the same, Mr. Jones, at the instance of the State of Tennessee, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Messrs. Johnson, Rust, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Ward.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Foreman, Crawford, Bass, T. R. R. Cobb, and Kenan.

Kentucky—Yea: Messrs. Monroe, H. C. Burnett, Johnson, Ford, Thomas, White, and Elliott.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell. Nay: Mr. Orr.

Missouri—Yea: Messrs. Clark, Harris, Conrow, and Freeman.

North Carolina—Yea: Messrs. Davis, McDowell, Venable, Morehead, Puryear, and Davidson. Nay: Mr. Ruffin.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. House, De Witt, Thomas, and Currin. Nay: Mr. Jones.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, Macfarland, Boccock, Scott, Boteler, Brockenbrough, Russell, Johnston, Staples, and Walter Preston.

Yea: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 13.

So the bill was passed.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Congress then resolved itself into executive session;<sup>a</sup> and having spent some time therein, again resolved itself into legislative session.

Mr. Monroe, from the Committee on the Judiciary, to whom was referred

A resolution relating to secondary testimony to be taken in cases now pending in courts under the sequestration act, reported the same back, with the recommendation that it pass with an amendment.

And the question being upon the amendment, which is to strike out the whole of the original resolution and to insert in lieu thereof the following, to wit:

*The Congress of the Confederate States of America do resolve, That in all cases in any court of the Confederate States, instituted by the authority of the above-mentioned resolution, whenever it shall appear to the court that the documentary evidence or witnesses necessary to establish the facts alleged in the petition, and to authorize the judgment of the court, are situated within the limits occupied by the public enemy, the court may, in its discretion, admit on the hearing the following articles of documentary and testimonial proof:*

First. A copy of any report or enunciation of the bank, that it had loaned or extended pecuniary aid to the United States or the government of Kentucky waging war against the Confederate States; and such report or enunciation may be read from what shall appear to be a copy or statement of its substance in the journals or session acts of the legislature of Kentucky, or from any periodical journal of the State published within the dominions of the enemy, or testimonial proof of the substance of the contents of such documents.

Second. Testimonial proof in parol, in letters, or any other form of paper writing of the admission of the president or cashier of the bank that such loan or pecuniary aid had been made or afforded to the enemy.

Third. Circumstantial evidence of facts necessary to make out the case are fairly inferable. But in every case the offer of such proof shall be accompanied with the affidavit of the receiver that he believes the facts which such evidence tends to prove.

And the vote being taken, the amendment was agreed to.

And the resolution as amended was engrossed, read a third time, and passed.

Mr. Monroe moved that the President be requested to return to Congress

A bill to repeal all laws of the United States adopted by the Confederate States which provide for the naturalization of aliens.

The motion did not prevail.

Congress then proceeded to the consideration of the special order of the day; which was the consideration of the pending amendment of Mr. Monroe to an act to amend the sequestration act, etc.

On motion of Mr. Harris of Mississippi, it was agreed that the vote on all pending amendments to the first section of the bill be taken at 2 o'clock p. m. on Monday.

Congress, on motion of Mr. Howell Cobb,  
Adjourned until 12 o'clock m. on Monday.

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<sup>a</sup> The Journal of this executive session has not been found.

## SIXTIETH DAY—MONDAY, FEBRUARY 3, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. Johnson of Arkansas offered

A resolution in regard to the transfer of certain Indian trust funds to the Confederate States;

which was read first and second times and referred to the Committee on Indian Affairs.

On motion of Mr. Johnson of Arkansas,

A bill to provide for the organization of the Arkansas and Red River Superintendency of Indian Affairs, and to regulate trade and intercourse with the Indians therein, and to preserve peace on the frontiers, was ordered to be printed.

Mr. H. C. Burnett, on his own motion, was allowed to place on the file

An act to facilitate and complete the admission of Kentucky into the Confederate States of America.

Mr. Jones of Tennessee presented a design for a flag; which was referred to the Committee on Flag and Seal.

Mr. Barnwell, from the Committee on Finance, to whom was referred

A resolution of inquiry of making appropriation for the Hampton sufferers,

reported the same back, asked to be discharged from its further consideration, and that the same be referred to the Committee on the Judiciary; which was agreed to.

Mr. Crawford, from the Committee on Commerce, to whom were referred sundry resolutions and memorials upon the subject of the repeal of all tariff laws, reported

A bill to admit duty free all goods, wares, and merchandise imported into the Confederate States for a limited period, except such as may be brought from the United States of America;

which was read first and second times, ordered to be printed, and made the special order for Tuesday next, the 11th instant.

Mr. Hale, from the Committee on the Judiciary, to whom was referred

A bill to establish certain judicial districts, and to provide for courts of the Confederate States therein,

reported the same back, with the recommendation that the same pass with certain amendments.

And the fifth section of the bill being under consideration, the committee moved to amend the same by striking out the words "good behavior" and to insert in lieu thereof the words "the term of four years," and to strike out the same words where they again occur and to insert in lieu thereof the words "the term of four years."

The amendment was agreed to.

And in section 7 to insert after the word "and" the words "also an."

The amendment was agreed to.

And also in the tenth section to strike out the word "presentment."

The amendment was agreed to.

And also to strike out the whole of section 25.

The amendment was agreed to.

On motion of Mr. Thomason, the further consideration of the bill was postponed for the present.

Mr. Hale, from the same committee, to whom was referred

A bill to prescribe a uniform law of naturalization, reported the same back, that in the opinion of the committee it was inexpedient to pass the same, asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Hale, from the same committee, to whom was referred

A resolution of inquiry as to the expediency of increasing the salary of the law clerk in the Department of Justice, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Brockenbrough, from the same committee, to whom was referred

A resolution to pay James Lyons and Sydney S. Baxter for certain services rendered the Government, reported

A bill providing compensation to Sydney S. Baxter for certain services therein named;

which was read first and second times.

Mr. Perkins moved to refer the same to the Committee on Claims.

Pending which, the morning hour having expired,

Mr. Kenan, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act making appropriations for the payment of certain interest due, severally, to the banks at Memphis, on advances made by them to Maj. Gen. Leonidas Polk, for the benefit of the public service;

An act to authorize certain financial arrangements at the Treasury;

A resolution supplemental to the resolution entitled "A resolution appointing John D. Morris, of Kentucky, a receiver under the act of sequestration, approved August thirtieth, eighteen hundred and sixty-one," and which was approved by the President on the 16th of December, 1861; and

An act supplemental to an act entitled "An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army."

And, on motion of Mr. Kenan, Mr. Oldham was added to the Committee on Engrossment.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Brockenbrough moved to postpone, for the present, the consideration of the special order of the day.

The motion did not prevail.

The Chair presented a message from the President; which was read as follows:

EXECUTIVE DEPARTMENT,  
Richmond, February 1, 1862.

*To the Confederate Congress:*

I return, with my objections, the bill passed by you, entitled "An act to provide for granting furloughs in certain cases."

Before proceeding to lay before you the special objections entertained to the provisions of this bill, it is proper that I should express the firm conviction that it is, from the nature of things, impracticable to administer an army in the field by stat-



ute. The Constitution vests in the Congress the power "to make rules for the government and regulation of the land and naval forces." None can deny the wisdom of this provision, nor the propriety of the exercise of this power, by the Congress, in its full extent; but there is an obvious distinction between making rules for the government of the Army and undertaking to administer the Army by statute.

When rules are established for the regulation of such matters as are in their nature susceptible of fixed and unvarying application, there can be no impolicy in providing them by statute. Thus, we have by law fixed guides for organization, for the composition of the different corps, for the number of officers and their grades, for the respective duties assigned to the staff in its several branches, and numerous like provisions that remain in force, in all localities, in the presence as well as the absence of the enemy, and uninfluenced by the exigencies of any particular occasion.

But there are other matters which are essentially administrative in their character, and are not susceptible of being determined by the rigid prescriptions of statutes, which executive officers are bound to obey under all circumstances, and without the exercise of any discretion. Suppose Congress should attempt to fix by law of what a camp equipage should always consist, or the precise kind and quality of clothing to be furnished, or the exact amount and kind of transportation to be allowed for each regiment, is it not obvious that these details depend so entirely on time, place, and circumstance, and are so essentially variable in their character, that the uniform compliance with such laws would be practically impossible? Suppose Congress should establish by law the precise proportion of infantry, cavalry, and artillery to be attached to each body of troops in service, this would not be a rule for the government of the Army but an attempt at a statutory administration of it, which could not but be found impolitic even if it were practicable.

Now, the act in question presents precisely the same objectionable features. It establishes a rule over which there is no discretionary power under any circumstances whatsoever; by which a commanding general, in the face of superior numbers and with his capacity for defense taxed to the utmost, may find his forces still further reduced by the action of his subordinate, not only against his consent but without his knowledge and in ignorance of his necessities and the purposes of their Government. No more striking example could be afforded of the impolicy of such a law than is presented by our condition at this time: Our armies are in force inferior to the enemy at the two points most vital to the defense of the country; the enlistment of the twelve months' men is soon to expire, and in order to secure their entry for a further term into the service you have directed that furloughs be granted to them as far as compatible with the safety of the respective commands.

If the bill in question becomes a law, it will at once be necessary to diminish the number of furloughs which might otherwise be granted as inducement to reenlistments, and to that extent the attainment of this most desirable object must be obstructed. From the West and from the South, from many and important points, urgent calls for reenforcement are received by the Department of War, which it is not possible to satisfy. At this crisis, without any check or control by commanding generals, five per cent of their effective forces would be withdrawn under the provisions of this bill. With conflicts impending against an enemy greatly our superior in numbers, our safety is dependent on keeping in the field every effective man that can be furnished with a weapon. This bill, therefore, it seems to me, is most inopportunately presented.

If, from these general objections, we turn to the details of the bill, other considerations are presented which would alone prevent my giving it approval. They may be stated briefly as follows, viz:

First. The furlough for disability is to be granted upon the surgeon's certificate, not of the vital necessity for leave of absence, but of the surgeon's opinion that the patient's "health would be improved by a temporary sojourn at home." It is plain that every man in the Army, to whose health camp life was thus believed to be detrimental, could at once demand a furlough under this provision.

Second. The colonel's power to grant a furlough on such a certificate, as is above mentioned, is without the check or control of higher authority, and is unlimited as to time and to number of cases.

Third. Any soldier, that can get the certificate of any hospital surgeon, can be sent home on furlough or discharged without the knowledge or consent of any of his officers, either company or regimental. The surgeon has only to certify that the soldier "is too remote from his commanding officer to procure his certificate for a furlough or discharge without inconvenience and delay." When troops are in the field, it is *always* true of a soldier in hospital, that the commanding officer's certificate can not be obtained "without inconvenience and delay," so that the soldier, absent from camp, can *always* get a furlough or discharge without the knowledge of his commander.

Fourth. The large number of soldiers that will be constantly traveling on the railroads on the proposed system of a ten days' furlough for five per cent of all the effective men, together with the sick leaves provided for, will form an average of probably not less than fifteen or twenty thousand men in constant movement. This would occupy the transportation facilities, already much too limited, to such an extent as seriously to impair the movement of troops and supplies.

In whatever aspect the proposed legislation is contemplated, I can not view it otherwise than as dangerous to the public safety, and I most earnestly recommend that, in taking it again into consideration, Congress will weigh any possible advantage that can result from this measure against the disasters that are not only the possible, but, as it appears to me, the probable results of its adoption.

JEFFERSON DAVIS.

A bill to be entitled "An act to provide for granting furloughs in certain cases."

SECTION 1. *The Congress of the Confederate States of America do enact*, That whenever the surgeon attached to any regiment, battalion, or separate post shall certify that any private or noncommissioned officer of such regiment, battalion, or separate post is incapable of performing military duty by reason of sickness, and that the health of said private or noncommissioned officer will, in his opinion, be improved by a temporary sojourn at home, the colonel or other officer commanding such regiment, battalion, or separate post, may grant a furlough to said private or noncommissioned officer, for such time as may be thought proper by said colonel or other commanding officer: *Provided*, That upon the certificate of the principal surgeon of any Government hospital, that any sick or disabled soldier is too remote from his commanding officer to procure his certificate for a furlough or discharge, without inconvenience and delay, such soldier may be furloughed or discharged, upon the recommendation of such surgeon, by the commandant of the nearest post.

SEC. 2. Whenever it shall appear from the written statement of any private or noncommissioned officer of any regiment, battalion, or separate post, approved by the captain or other officer commanding the company to which said private or noncommissioned officer is attached, that it is indispensable to the pecuniary or family interest of said private or noncommissioned officer that he should visit home, the colonel or other officer commanding such regiment, battalion, or separate post, may, in his discretion, grant a furlough to said private or noncommissioned officer for a period not exceeding ten days, with an allowance of such additional time as may be required for him to reach home and return to his post: *Provided, however*, That said colonel or other commanding officer shall not grant furloughs, for the cause and in the manner stated in this section, to such number as to exceed, at any time, five per cent of the force actually under his command.

SEC. 3. In all cases where furloughs shall be granted under this act, the notice of such furlough, required by existing regulations, shall be given.

CONGRESS, *January 16, 1862.*

Read first and second times.

*January 22, 1862.*

Read third time and passed.

J. J. HOOPER, *Secretary.*

Mr. Barnwell moved that the further consideration of the bill be postponed for the present, and that the bill and message be printed.

Upon which Mr. Kenner, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Chilton, and Jones. Nay: Messrs. Curry and Hale.

Arkansas—Yea: Messrs. Garland and Watkins. Nay: Mr. Thomson.

Florida—Nay: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Messrs. Foreman and Kenan. Nay: Messrs. Toombs, Crawford, Bass, Hill, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, and White. Nay: Messrs. H. C. Burnett and Ford.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, and Harrison. Nay: Messrs. Bradford and Campbell.

Missouri—Yea: Messrs. Harris, Conrow, Vest, and Freeman. Nay: Messrs. Clark, Cooke, and Bell.

North Carolina—Yea: Messrs. Venable and Morehead. Nay: Messrs. Avery, Ruffin, McDowell, Puryear, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Boyce.

Tennessee—Yea: Messrs. House, Jones, De Witt, and Thomas.

Texas—Yea: Messrs. Wigfall, Waul, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Rives, Scott, Boteler, Brockenbrough, Russell, Johnston, and Staples. Nay: Messrs. Boccock and Walter Preston.

Yea: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, Texas, and Virginia, 10.

Nay: Florida, Georgia, and North Carolina, 3.

So the motion prevailed.

Congress then proceeded to the consideration of the special order of the day; which was the amendment of Mr. Monroe to the first section of a bill to amend the sequestration act, etc.

And the question being upon agreeing to the same, the vote was taken, and the amendment was agreed to.

And the question recurring upon the motion of Mr. Toombs to strike out of the section the following words, to wit:

SECTION 1. *The Congress of the Confederate States do enact*, That all and every the lands, tenements and hereditaments, goods and chattels, rights and credits, and every right and interest therein embraced by said act of sequestration, of which this act is an alteration and amendment, are hereby declared confiscated, except so far as the same are hereafter excepted by this act, and all such property shall on the rendition of the decree of confiscation be sold as provided for in this act and the proceeds paid into the Treasury of the Confederate States; but nothing in this act shall be construed to authorize the sale of any mere indebtedness by chose in action to any alien enemy embraced by this act and the one to which it is amendatory.

Mr. Toombs, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Curry. Nay: Messrs. Smith, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Yea: Mr. Ward. Nay: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Toombs, Crawford, Bass, and Hill. Nay: Messrs. Foreman and Kenan.

Kentucky—Nay: Messrs. Monroe, Johnson, Ford, White, and Elliott.

Louisiana—Yea: Messrs. De Clouet and Conrad. Nay: Messrs. Perkins and Kenner.

Mississippi—Nay: Messrs. Harris, Brooke, Orr, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Cooke and Bell. Nay: Messrs. Clark, Peyton, Harris, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Puryear and Davidson. Nay: Messrs. Davis, Avery, Ruffin, McDowell, Venable, Morehead, and Craige.

South Carolina—Yea: Messrs. Rhett and Boyce. Nay: Messrs. Barnwell and Memminger.

Tennessee—Yea: Messrs. House, De Witt, and Thomas. Nay: Messrs. Jones and Currin.



Texas—Yea: Mr. Wigfall. Nay: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Bocock, Rives, and Scott. Nay: Messrs. Boteler, Brockenbrough, Russell, Johnston, Staples, and Walter Preston.

Yea: Georgia and Tennessee, 2.

Nay: Alabama, Arkansas, Florida, Kentucky, Mississippi, Missouri, North Carolina, and Texas, 8.

Divided: Louisiana, South Carolina, and Virginia, 3.

So the motion to strike out did not prevail.

Mr. Conrad moved to amend by inserting after the word "That" the following words, to wit:

in case the Government of the United States should enact a law confiscating the property of the citizens of the Confederate States who have taken or may take part in the war.

Mr. Campbell rose to a point of order, viz, that the amendment of Mr. Conrad was out of order, the House having refused to strike out that portion of the section sought to be amended.

Mr. Bocock being in the chair, decided that a motion to strike out being negatived by the House does not prevent a subsequent motion to amend the portion covered by the motion to strike out, from which decision Mr. Campbell appealed, and the question being put,

Shall the decision of the Chair stand as the judgment of the House?

The vote was taken and decided in the affirmative, and the decision of the Chair sustained.

And the question recurring upon agreeing to the amendment of Mr. Conrad,

Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Curry. Nay: Messrs. Smith, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Toombs, Bass, and Hill. Nay: Messrs. Foreman and Kenan.

Kentucky—Nay: Messrs. Monroe, Johnson, Ford, and Elliott.

Louisiana—Yea: Messrs. De Clouet and Conrad. Nay: Mr. Perkins.

Mississippi—Nay: Messrs. Brooke, Orr, Bradford, Harrison, and Campbell.

North Carolina—Yea: Mr. Puryear. Nay: Messrs. Davis, Avery, Ruffin, McDowell, Venable, Morehead, and Craige.

South Carolina—Yea: Messrs. Rhett and Boyce. Nay: Messrs. Barnwell and Memminger.

Tennessee—Yea: Messrs. House, De Witt, and Thomas. Nay: Mr. Currin.

Texas—Yea: Mr. Wigfall. Nay: Messrs. Reagan and Waul.

Virginia—Yea: Messrs. Hunter, Macfarland, and Bocock. Nay: Messrs. Seddon, Boteler, Brockenbrough, Russell, Johnston, and Walter Preston.

Yea: Georgia, Louisiana, and Tennessee, 3.

Nay: Alabama, Arkansas, Florida, Kentucky, Mississippi, North Carolina, Texas, and Virginia, 8.



Divided: South Carolina, 1.

Not voting: Missouri, 1.

So the amendment was not agreed to.

Mr. Monroe moved to amend by striking out the following words, to wit:

And said act to which this is an amendment shall not be construed to except from its operation any public securities of this Confederacy or of any State therein held by an alien enemy, within the meaning of this act, except bonds, securities, and such debts and obligations as said Confederacy or State may have contracted or may contract directly with an alien enemy, and which has not been by said contracting party disposed of to another alien enemy; but nothing herein contained shall prevent the legal representative of such contracting party, after a release, from having and receiving all the rights hereby secured to the contrary.

Upon which Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins.

Florida—Yea: Mr. Morton.

Georgia—Yea: Messrs. Toombs, Foreman, Crawford, Bass, Hill, and Kenan.

Kentucky—Yea: Messrs. Monroe, Ford, and Elliott.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Orr, Bradford, Harrison, and Campbell.

North Carolina—Yea: Messrs. Davis, Avery, Ruffin, Venable, Morehead, Craige, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Boyce.

Tennessee—Yea: Messrs. Jones, De Witt, Thomas, and Currin.

Texas—Yea: Mr. Wigfall.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Bockock, Boteler, Brockenbrough, Russell, Johnston, and Walter Preston.

Yea: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 12.

Not voting: Missouri, 1.

So the amendment was agreed to.

Mr. Toombs moved to amend by adding at the end of the section the following proviso, to wit:

*Provided*, This act shall not apply to such property as any of the States may have pledged their faith to protect.

And upon which Mr. Toombs, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Mr. Curry. Nay: Messrs. Smith, Chilton, Hale, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Yea: Messrs. Toombs, Foreman, Crawford, Bass, Hill, and Kenan.

Kentucky—Yea: Messrs. Johnson, Ford, and Elliott.

Louisiana—Yea: Messrs. De Clouet and Conrad. Nay: Messrs. Perkins and Kenner.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, Bradford, and Harrison.

North Carolina—Yea: Messrs. Davis, McDowell, Morehead, Puryear, and Davidson. Nay: Messrs. Avery, Ruffin, Venable, and Craige.

South Carolina—Yea: Messrs. Rhett, Memminger, and Boyce. Nay: Mr. Barnwell.

Tennessee—Yea: Messrs. Jones, De Witt, and Thomas. Nay: Messrs. House and Currin.

Texas—Yea: Mr. Waul. Nay: Mr. Reagan.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Boccock, Boteler, Russell, Johnston, and Walter Preston. Nay: Mr. Brockenbrough.

Yea: Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, 6.

Nay: Alabama, Arkansas, Florida, and Mississippi, 4.

Divided: Louisiana and Texas, 2.

Not voting: Missouri, 1.

So the amendment was not agreed to.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act supplementary to an act entitled "An act to amend an act entitled 'An act to raise an additional force to serve during the war, and for other purposes,' approved May eighth, eighteen hundred and sixty-one."

And the second section of the bill being under consideration; which is as follows, to wit:

SEC. 2. *Be it further enacted*, That all proceedings taken and pending under said act of sequestration shall be deemed and taken as proceedings of confiscation; and the papers in the cause may be so amended as to apply to proceedings for confiscation under this act. And all judgments and decrees rendered under said sequestration act shall have the force and effect of confiscating all money, property, and rights embraced by the same; and the court having jurisdiction thereof shall, in said cases, make all orders of sale and other orders and decrees that may be necessary fully to accomplish the purposes of this act, in the same manner as if said cases were now pending for trial or were hereafter instituted.

Mr. Smith of Alabama moved to amend by striking out the whole of the same and inserting the following, to wit:

SEC. 2. *Be it further enacted, etc.*, That all money realized under this act, and the act to which it is an amendment, shall be applied to the equal indemnity of all loyal citizens of the Confederate States, and of others aiding said Confederate States in the present war with the United States, against all losses that have been, or may be, inflicted upon them by any act of confiscation of the enemy, or by any act, whether done or permitted under State or Federal authority, and whether said act be done or permitted by civil or military authority, inconsistent with the principles, practices, or usages of modern civilized warfare among separate and independent nations when at war with each other. And all money realized as aforesaid shall be paid into the Treasury of said Confederate States, as provided by the act to which this is an amendment, and the faith of the Confederate States is hereby pledged that the same shall be refunded as required for the purposes aforesaid. And the Secretary of the Treasury shall cause a separate account of said money to be kept in well-bound books procured for that purpose.

Mr. Russell moved to amend the amendment as follows, to wit:

Mr. Russell of Virginia, in lieu of Mr. Smith of Alabama (as second section) down to "And all money realized as aforesaid," etc.:

In addition to the claims of which indemnity is provided for in the act to which

this act is amendatory, the following classes of claims shall be entitled to like indemnity out of the moneys arising under this act and the act aforesaid, viz:

First. For loss by any confiscation law of the United States, or any State thereof, by the abduction or harboring of slaves, or by the seizure, waste, injury, or destruction of other property, real or personal, belonging to loyal citizens of the Confederate States, or to other persons aiding them in the present war, by the enemy, or by any person in the civil, military, or naval service of the enemy, or by any State government, or pretended State government, or other government adhering to the enemy, or by any person in the service of any such government, or pretended government, or by any person under color of the authority of any such government, or pretended governments or of the Government of the United States, or by traitors or rebels against any of the Confederate States during the present war.

Second. For loss by the destruction, or attempted destruction, of property to save it from capture or use by the enemy, or persons adhering to the enemy, and acting in hostility to the Confederate States, or any of them.

The amendments of Messrs. Smith and Russell were ordered to be printed.

Mr. Thomason moved to reconsider the vote by which the proviso of Mr. Toombs to the first section was rejected.

On motion of Mr. Russell.

Congress adjourned until 12 o'clock m. to-morrow.

## SIXTY-FIRST DAY—TUESDAY, FEBRUARY 4, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Daggett.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session.

Mr. Crawford offered the following resolution:

*Resolved*, That the members-elect to the Congress under the permanent Constitution of the Confederate States be invited to seats on the floor during the sessions of the Provisional Congress under the same injunction resting upon members as to secrecy to be by them observed.

On motion of Mr. Barnwell, the further consideration of the resolution was postponed until Monday next.

Congress then proceeded to the consideration of the unfinished business of the morning hour: which was the consideration of the motion of Mr. Perkins to refer to the Committee on Claims

A bill providing compensation to Sydney S. Baxter for certain services therein named.

And the vote having been taken thereon, the motion was agreed to.

Mr. Staples moved to reconsider the vote just taken.

The motion to reconsider prevailed.

Mr. Perkins moved to lay the bill on the table, on which motion Mr. Campbell, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded: which are as follows, to wit:

Alabama—Yea: Messrs. Curry and Jones. Nay: Messrs. Smith, Chilton, and Hale.

Arkansas—Yea: Mr. Johnson. Nay: Messrs. Thomason, Garland, and Watkins.

Florida—Yea: Mr. Morton. Nay: Messrs. Ward and Owens.

Georgia—Yea: Messrs. Toombs, Foreman, Crawford, Bass, Kenan, and Stephens. Nay: Mr. Hill.

Kentucky—Yea: Mr. Thomas. Nay: Messrs. Monroe, Johnson, Ford, White, and Elliott.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Harrison and Campbell. Nay: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Conrow and Bell. Nay: Messrs. Peyton, Cooke, Harris, and Freeman.

North Carolina—Yea: Messrs. Davis, Ruffin, McDowell, and Craige. Nay: Messrs. Venable, Morehead, and Davidson.

South Carolina—Yea: Mr. Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Messrs. House, De Witt, and Thomas. Nay: Mr. Currin.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Mr. Wigfall.

Virginia—Nay: Messrs. Seddon, Macfarland, Scott, Boteler, Brockenbrough, Russell, Johnston, Staples, and Walter Preston.

Yea: Georgia, North Carolina, Tennessee, and Texas, 4.

Nay: Alabama, Arkansas, Florida, Kentucky, Louisiana, Missouri, and Virginia, 7.

Divided: Mississippi and South Carolina, 2.

So the motion to lay on the table did not prevail.

The bill was then engrossed, read a third time, and the question being upon the passage of the same,

Mr. Toombs, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith and Chilton. Nay: Messrs. Curry, Hale, and Jones.

Arkansas—Yea: Messrs. Thomason and Garland. Nay: Messrs. Johnson and Watkins.

Florida—Yea: Mr. Ward. Nay: Messrs. Morton and Owens.

Georgia—Yea: Mr. Hill. Nay: Messrs. Toombs, Foreman, Crawford, Bass, Kenan, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, Ford, and Elliott. Nay: Messrs. Thomas and White.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, and Bradford. Nay: Messrs. Harrison and Campbell.

Missouri—Yea: Messrs. Peyton, Cooke, Harris, and Freeman. Nay: Messrs. Clark and Conrow.

North Carolina—Yea: Messrs. Venable, Morehead, and Davidson. Nay: Messrs. Davis, Ruffin, McDowell, and Craige.

South Carolina—Yea: Messrs. Rhett and Barnwell. Nay: Mr. Boyce.

Tennessee—Yea: Mr. Currin. Nay: Messrs. House, Jones, De Witt, and Thomas.

Texas—Yea: Mr. Wigfall. Nay: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Scott, Boteler, Brockenbrough, Johnston, Staples, and Walter Preston.

Yea: Kentucky, Louisiana, Mississippi, Missouri, South Carolina, and Virginia, 6.



Nay: Alabama, Florida, Georgia, North Carolina, Tennessee, and Texas, 6.

Divided: Arkansas, 1.

Mr. Hale, from the Committee on the Judiciary, reported

A bill to prohibit officers, agents, and members of Congress from making Government contracts;

which was read first and second times and placed on the Calendar and ordered to be printed.

On motion of Mr. Johnson of Arkansas, 100 copies extra of the reports of the various battles were ordered to be printed.

Mr. Conrad, from the Committee on Naval Affairs, reported and recommended the passage of

A bill to amend an act entitled "An act to amend an act to provide for the organization of the Navy, approved March sixteenth, eighteen hundred and sixty-one," and an act entitled "An act to [authorize the President to] confer temporary rank and command on officers of the Navy doing duty with troops," approved December 24, 1861; which was read first and second times, engrossed, read a third time, and passed.

Mr. Hale, from the Committee on Military Affairs, to whom was referred

A resolution of inquiry as to what legislation was necessary to enable the Secretary of War to furnish our soldiers, prisoners of war, with clothing,

reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Hale, from the Committee on Military Affairs, made the following report; which was read and laid on the table, and is as follows, to wit:

The Committee on Military Affairs, to whom was referred a resolution directing them to inquire and report whether brigadier-generals of the Provisional Army are officers of the Confederate States, *generally*, independent of any particular command, or whether their offices terminate when the regiments composing their brigades are disbanded, have had the same under consideration and instruct me to report that brigadier-generals in the Provisional Army are not officers, generally, independent of any particular command, but on the contrary, under the provisions of the sixth section of the act of March 6, 1861, it is the duty of the President to organize regiments into brigades when the public service so requires; and whenever brigades are so organized he shall appoint brigadier-generals to command them, subject to the confirmation of Congress; and the brigadier-generals so appointed shall hold their offices only so long as their respective brigades continue in service.

Respectfully submitted.

S. F. HALE, *Chairman*.

Mr. Hale, from the same committee, reported back and recommended the passage of

A bill to amend an act to provide for local defense and special service.

Mr. Wigfall moved to amend the same by adding at the end thereof the following proviso, to wit:

*Provided*, That the troops raised under this bill shall not be accepted for less than three years or the war.

On motion of Mr. Waul, the bill and proviso were ordered to be printed.

Mr. Conrad moved that the Congress proceed to the consideration of a bill passed by the Congress and returned with an Executive veto,

to encourage the manufacture of gunpowder, saltpeter, and small arms within the Confederate States.

On motion of Mr. Harris of Mississippi, the further consideration of the same was postponed for the present.

Congress proceeded to the consideration of the special order of the day.

The question being on the motion of Mr. Russell to amend the amendment of Mr. Smith of Alabama to the second section of the bill,

Mr. Smith modified his amendment so as to read as follows, viz:

That all money realized under this act and the act to which it is an amendment shall be applied to the equal indemnity of all persons loyal citizens of the Confederate States, or persons aiding the same in the present war, who have suffered or may hereafter suffer loss or damage by confiscation by the Government of the United States, or any State government, or pretended government acknowledging and aiding the Government of the United States in this war, or by the seizure or capture or wanton and malicious destruction of private property of such persons on land, or by the capture or detention of slaves by the military or civil authorities. And all money realized as aforesaid shall be paid into the Treasury of said Confederate States, as provided by the act to which this is an amendment, and the faith of the Confederate States is hereby pledged that the same shall be refunded as required for the purposes aforesaid. And the Secretary of the Treasury shall cause a separate account of said money to be kept in well-bound books procured for that purpose.

Mr. Russell modified his amendment to the amendment and moved to strike out the following words, viz:

or by the seizure or capture or wanton and malicious destruction of private property of such persons on land, or by the capture or detention of slaves by the military or civil authorities,

And inserting in lieu thereof the following words, to wit:

or by the abduction or harboring of slaves, or by the seizure, waste, injury, or destruction of other property, real or personal, by the enemy, or by any person in the civil, military, or naval service of the enemy, or by any State government, or pretended State government, or other government adhering to the enemy, or by any person in the service of any such government, or pretended government, or by any person under the authority of any such government, or pretended government, or of the Government of the United States, or by traitors or rebels against any of the Confederate States during the present war; or by the destruction, or partial destruction, of property, to save it from capture or use by the enemy, or persons adhering to the enemy, and acting in hostility to the Confederate States, or any of them; and by any act, whether done or permitted under State or Federal authority or the authority of any pretended government adhering to the enemy.

Whereupon,

Mr. Russell, at the instance of the State of Virginia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Garland and Watkins.

Florida—Yea: Messrs. Morton, Ward, and Owens.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Toombs, Crawford, Bass, Kenan, and Stephens.

Kentucky—Yea: Messrs. White and Elliott. Nay: Messrs. Monroe, Johnson, Ford, and Thomas.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Peyton, Cooke, Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Mr. McDowell. Nay: Messrs. Davis, Avery, Ruffin, Venable, and Davidson.

South Carolina—Nay: Messrs. Barnwell and Boyce.

Tennessee—Yea: Messrs. House, Jones, and De Witt. Nay: Messrs. Thomas and Currin.

Texas—Nay: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Hunter, Macfarland, Rives, Boteler, Brockenbrough, Russell, Johnston, and Walter Preston. Nay: Messrs. Seddon, Scott, and Staples.

Yea: Florida, Missouri, Tennessee, and Virginia, 4.

Nay: Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, 9.

The motion was lost.

Mr. Seddon moved to amend the amendment of Mr. Smith of Alabama to the second section, by striking out the following words, viz:

or by the seizure or capture or wanton and malicious destruction of private property of such persons on land, or by the capture or detention of slaves by the military or civil authorities,

And inserting in lieu thereof the following words, viz:

or by such acts of the enemy or other causes incident to the war as by future act of Congress may be described and defined as affording, under the circumstances, proper cases for indemnity.

Mr. Smith accepted the amendment.

Mr. Monroe moved to amend the amendment as amended by inserting at the end of the words just inserted—"proper cases for indemnity"—the following words, viz:

and to satisfy all damages, any officer or soldier of the Army of the Confederate States, or any pretended State thereof, or other person acting under the authority of any such officer, who has or shall have suffered by the sale or seizure of his property under any execution or order of any judicial court of the United States, or any pretended State thereof, on any judgment thereon rendered on proceedings thereon had on the alleged ground of damages suffered by the plaintiff, by the destruction or damage or conversion of his property by the act of the defendant in the prosecution of the present war between the United States and the Confederate States.

Whereupon,

Mr. Monroe, at the instance of the State of Kentucky, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Smith, Curry, Chilton, and Jones.

Arkansas—Nay: Messrs. Garland and Watkins.

Florida—Nay: Mr. Morton.

Georgia—Nay: Messrs. Bass and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, Ford, Thomas, White, and Elliott.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Yea: Mr. Brooke. Nay: Messrs. Harris, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Peyton, Cooke, Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Mr. Morehead. Nay: Messrs. Davis, Avery, Ruffin, Venable, and Davidson.

South Carolina—Yea: Mr. Barnwell. Nay: Mr. Rbett.

Tennessee—Yea: Messrs. Jones and De Witt. Nay: Messrs. Thomas and Currin.

Texas—Yea: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Macfarland, Boteler, Brockenbrough, Russell, Johnston, Staples, and Walter Preston. Nay: Messrs. Seddon, Hunter, Rives, and Scott.

Yea: Kentucky, Missouri, and Virginia, 3.

Nay: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and Texas, 8.

Divided: South Carolina and Tennessee, 2.

The motion was lost.

Mr. Russell moved to amend the amendment of Mr. Smith of Alabama by striking out the following words, viz:

or by such acts of the enemy or other causes incident to the war as by future act of Congress may be described and defined as affording, under the circumstances, proper cases for indemnity,

And inserting in lieu thereof the following words, viz:

or by the abduction or harboring of slaves, or by the seizure, waste, injury, or destruction of other property, real or personal, by the enemy, or by any person in the civil, military, or naval service of the enemy, or by any State government, or pretended State government, or other government adhering to the enemy, or by any person in the service of any such government, or pretended government, or by any person under the authority of any such government, or pretended government, or of the Government of the United States, or by traitors or rebels against any of the Confederate States during the present war.

Mr. Garland demanded the question.

And on the question,

Will the Congress second the demand for the question?

The same was decided in the negative.

Mr. Russell demanded, at the instance of the State of Virginia, that the yeas and nays of the whole body be recorded on his motion to amend.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President on yesterday approved and signed

An act to explain an act entitled "An act to amend an act entitled 'An act to establish a patent office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs,' approved May twenty-first, eighteen hundred and sixty-one;"

An act supplemental to an act entitled "An act providing for the granting of bounty and furloughs to privates and noncommissioned officers in the Provisional Army;"

An act to authorize certain financial arrangements at the Treasury;

An act making appropriations for the payment of certain interest due, severally, to the banks at Memphis, on advances made by them to Maj. Gen. Leonidas Polk, for the benefit of the public service;

A resolution supplemental to the resolution entitled "A resolution appointing John D. Morris, of Kentucky, a receiver under the act of sequestration, approved August thirtieth, eighteen hundred and sixty-one," and which was approved by the President on the 16th of December, 1861;

An act supplementary to an act entitled "An act to amend an act entitled 'An act to raise an additional force to serve during the war,



and for other purposes," approved May eighth, eighteen hundred and sixty-one."

Mr. Monroe moved that Congress do now adjourn.

The motion prevailed; and

Congress adjourned until to-morrow at 12 o'clock m.

## SIXTY-SECOND DAY—WEDNESDAY, FEBRUARY 5, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Crumley.

Mr. Ward announced his resignation and the presence of his successor, John P. Sanderson, a Delegate-elect from the State of Florida, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

On motion of Mr. Foreman,

Mr. Ward, late a Delegate from the State of Florida, was invited to a seat on the floor during the sessions of Congress.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Foreman moved that the business of the morning hour be suspended, for the purpose of considering the special order of the day.

The motion did not prevail.

Mr. Toombs moved to postpone the call of the States and committees, for the purpose of introducing bills, resolutions, etc., for reference only.

The motion was agreed to.

And Mr. Toombs introduced

A bill to call forth the militia, to resist invasion; which was read first and second times, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. Barnwell introduced

A bill to organize the clerical force of the Treasury Department; which was read first and second times, referred to the Committee on Finance, and ordered to be printed.

Mr. Garland introduced

A bill to authorize the Secretary of the Treasury to exchange the bonds of the Confederate States for bonds of the Memphis and Little Rock Railroad Company; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Rhett introduced

A bill to regulate the navigation of the Confederate States and to establish direct trade with foreign nations; which was read first and second times, ordered to be printed, and made the special order for Saturday next.

Mr. Ochiltree introduced

A resolution concerning a railroad from Monroe to the line of the State of Louisiana, west of Shreveport; which was read and referred to the Committee on Military Affairs.

Mr. Harrison presented a communication; which was referred to the Committee on Naval Affairs, without being read.

Mr. Staples offered

A resolution instructing the Committee on the Judiciary to inquire into the expediency of reporting a bill allowing compensation to jailers for keeping Confederate prisoners; which was read and agreed to.

Mr. Currin presented a memorial on the subject of the completion of the Memphis and Little Rock Railroad as a military necessity; which was referred to the Committee on Military Affairs, without being read.

Mr. Macfarland presented a design for a flag; which was referred to the Committee on Flag and Seal.

The Chair presented a message from the President; which was read as follows:

EXECUTIVE DEPARTMENT,  
Richmond, February 5, 1862.

*To the honorable President of Congress:*

I herewith transmit to Congress a communication from the Secretary of War covering a special estimate of the Commissary-General.

The former estimate was to the 1st of April; the appropriation was made only to include the 18th of February.

This estimate is for a year's supply, and is recommended to the favorable consideration of the Congress for the reasons set forth in the Secretary's letter.

JEFFERSON DAVIS.

On motion, the message and accompanying documents were referred to the Committee on Finance.

Mr. Jones of Tennessee presented two designs for a flag; which were referred to the Committee on Flag and Seal.

The Chair presented a message from the President; which was read as follows:

EXECUTIVE DEPARTMENT,  
Richmond, February 4, 1862.

*To the Congress of the Confederate States:*

I return, with my objections, the bill entitled "An act to repeal so much of the laws of the United States adopted by the Congress of the Confederate States as authorize the naturalization of aliens." My objections are the following, viz:

First. The bill does not save the rights of aliens who were domiciled in the Confederate States at the beginning of this revolution and had already commenced the proceedings necessary to their naturalization. It would be manifest injustice to such aliens as have remained among us and have sympathized with and aided us in our struggle to cut them off from these rights, at least inchoate, and deprive them of the boon held out to them by laws to which we were assenting parties at the time they immigrated to the Confederacy.

Second. While there is perhaps no direct prescription of the Constitution making it the duty of Congress to establish a rule of naturalization, I submit that in addition to the grant of that power made to Congress, the States in the permanent Constitution have surrendered the power formerly exercised by some of them, of permitting aliens to vote, even in State elections, until naturalized as citizens of the Confederate States (Article I, section 2). A comparison of these provisions leads to the conclusion that it was in contemplation of the States that Congress should exercise the power vested in it, and it does not appear to me to be a fair compliance with the just expectations of the States to repeal, in mass, all laws providing for the naturalization of aliens without substituting some other system that may commend itself to the wisdom of Congress.

These are my special objections to the act as passed, but I beg permission to say that the general policy indicated by its provisions appears to be at least questionable. That there is no present necessity for such legislation is obvious; for there has not been, and we can not expect there will be, immigration, except on the part of such as are disposed to aid us in our struggle. To the future, which may well be left to take care of itself on this subject, it is submitted whether legislation intended to

effect the entire exclusion from citizenship of all who are not born on the soil will be deemed in accordance with the civilization of the age.

In conclusion, it can scarcely be necessary to point out the evil effects that may be produced on aliens now serving in our Army and on those of our fellow-citizens who are of foreign birth by what will be considered as a legislative stigma cast on them as a class.

JEFFERSON DAVIS.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to amend the act entitled "An act to amend an act to provide for the organization of the Navy, approved March sixteenth, eighteen hundred and sixty-one," approved May 20, 1861, and an act entitled "An act to authorize the President to confer temporary rank and command on officers of the Navy doing duty with troops," approved December 24, 1861.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to amend the act entitled "An act to amend an act to provide for the organization of the Navy, approved March sixteenth, eighteen hundred and sixty-one," approved May 20, 1861, and an act entitled "An act to authorize the President to confer temporary rank and command on officers of the Navy doing duty with troops," approved December 24, 1861.

Mr. Perkins moved to postpone the further consideration of the bill. The motion did not prevail.

Mr. Elliott demanded the question; which was seconded.

And the question being,

Shall the bill pass, notwithstanding the veto of the President?

The yeas and nays of the whole body were recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, and Jones. Nay: Mr. McRae.

Arkansas—Yea: Messrs. Garland and Watkins. Nay: Messrs. Johnson and Thomason.

Florida—Yea: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Messrs. Toombs, Foreman, Hill, and Kenan. Nay: Messrs. Crawford, Bass, and Stephens.

Kentucky—Nay: Messrs. Monroe, Johnson, Ford, and Thomas.

Louisiana—Yea: Messrs. Perkins and Conrad. Nay: Messrs. De Clouet, Kenner, and Marshall.

Mississippi—Yea: Messrs. Bradford and Harrison. Nay: Messrs. Harris, Brooke, and Campbell.

Missouri—Yea: Messrs. Clark, Cooke, and Conrow. Nay: Messrs. Peyton, Harris, and Vest.

North Carolina—Yea: Messrs. Davis, Puryear, and Davidson. Nay: Messrs. Avery, Ruffin, McDowell, Morehead, and Craige.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Barnwell, Memminger, and Boyce.

Tennessee—Yea: Mr. De Witt. Nay: Messrs. House, Jones, Thomas, and Currin.

Texas—Nay: Messrs. Wigfall, Reagan, Waul, Oldham, and Ochil-tree.

Virginia—Yea: Messrs. Rives, Scott, and Boteler. Nay: Messrs. Seddon, Hunter, Macfarland, Bocoek, Brockenbrough, Russell, Johnston, and Staples.

Yea: Alabama, Florida, and Georgia, 3.

Nay: Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 8.

Divided: Arkansas and Missouri, 2.

So the bill was lost.

The Chair presented certain estimates from the Secretary of the Navy; which were read and referred to the Committee on Finance.

Also, certain estimates from the Secretary of the Treasury; which were read and referred to the Committee on Finance.

Also, joint resolutions of the State of Florida; which were read and laid on the table.

Mr. Elliott moved that Congress do now adjourn.

The motion did not prevail.

Mr. Johnson, from the Committee on Indian Affairs, reported back and recommended the passage of

A resolution to provide for the transfer of certain Indian trust funds to the Confederate States:

which was engrossed, read a third time, and passed.

Also, a letter from William Porcher Miles; which was referred to the Committee on Military Affairs, without being read.

On motion of Mr. Stephens,

Congress adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

A communication was received from the President; which is as follows:

RICHMOND, *February 1, 1862.*

*To the Congress of the Confederate States:*

I nominate J. B. Kershaw, of South Carolina, to be a brigadier-general, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

which was referred to the Committee on Military Affairs.

Mr. Hale, from the Military Committee, to whom was referred the message of the President of January 31, nominating surgeons and assistant surgeons in the Army of the Confederate States, reported the same back, with the recommendation that Congress advise and consent to the same; which was agreed to, and the nominations were confirmed.

The following communication was also received from the President:

RICHMOND, *February 5, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

FIRST REGIMENT GEORGIA REGULARS, PROVISIONAL ARMY.

*Captain.*

J. G. Montgomery, of Georgia, to take rank January 15, 1862.

*First lieutenants.*

G. B. Lamar, of Georgia, to take rank November 18, 1861; Michael L. Cass, of Georgia, to take rank January 15, 1862; J. A. Blance, of Georgia, to take rank from date of confirmation.



*Second lieutenants.*

F. B. Palmer, of Georgia, to take rank from date of confirmation; A. H. Rutherford, of Georgia, to take rank from date of confirmation; Marshall de Graffenried, of Georgia, to take rank from date of confirmation; James R. Blount, of Georgia, to take rank from date of confirmation; James S. Madden, of Georgia, to take rank from date of confirmation; John R. Wells, of Georgia, to take rank from date of confirmation; James T. Armstrong, of Georgia, to take rank from date of confirmation; Lucius G. Rees, of Georgia, to take rank from date of confirmation.

## HAMILTON'S BATTERY, GEORGIA, PROVISIONAL ARMY.

*Second lieutenant.*

Frank Steiner, of Georgia, to take rank from date of confirmation.

which was referred to the Committee on Military Affairs.

Mr. Bass, at the instance of the State of Georgia, moved to reconsider the vote referring the nominations in Georgia regiments to the Committee on Military Affairs.

The motion was concurred in.

Mr. Foreman moved that the nominations of the President, in the Georgia regiments, be confirmed.

The motion prevailed, and the nominations were confirmed, Congress advising and consenting to the same.

On motion,

Congress then resolved itself into legislative session.

## SIXTY-THIRD DAY—THURSDAY, FEBRUARY 6, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Right Rev. Bishop Early.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

On motion of Mr. Owens, the name of Mr. Sanderson was substituted in place of that of Mr. Ward upon all committees of Congress of which Mr. Ward was a member.

Mr. Seddon presented joint resolutions of the general assembly of Virginia; which were read as follows, to wit:

*Resolved by the general assembly of Virginia,* That our Representatives in the Congress of the Confederate States be requested to use their utmost efforts to procure the passage by Congress of a law authorizing and limiting impressments for the military service of the Confederate States, and providing for the payment to the owner of land and personal property such losses and damages as his property may have sustained while in the possession and use of the Confederate States of America.

*Resolved,* That the clerk of this house forward without delay a copy of the foregoing resolution to each of our Representatives in the Confederate Congress.

Mr. Seddon also offered the following resolution; which was read and agreed to, to wit:

*Resolved,* That the foregoing resolutions be referred to the Committee on the Judiciary, and they be instructed to inquire and report what legislation may be requisite to effect the objects therein designated.

Congress then proceeded to the consideration of the unfinished business of the morning hour; which was the consideration of the proviso offered by Mr. Wigfall to

A bill to provide for local defense and special service.

On motion of Mr. Waul, the further consideration of the same was postponed for the present.

Mr. Avery, from the Committee on Military Affairs, to whom was referred

A resolution relating to the claim of the steamer Mary Patterson, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Avery, from the same committee, reported back unfavorably

A bill supplementary to and amendatory of an act for the relief of the State of Missouri,

Asked to be discharged from its further consideration, and that the bill lie on the table.

On motion of Mr. Vest, the consideration of the report of the committee was postponed for the present.

Mr. Ochiltree, from the same committee, to whom was referred the report of Colonel McIntosh of the battle of Chustenahlah, reported the same back, with the recommendation that it be printed; which was agreed to.

Mr. Harris of Mississippi moved to postpone the further consideration of the business of the morning hour, for the purpose of considering his motion to reconsider the vote by which Congress refused to order to be engrossed for a third reading

A bill to provide for the connection of the Richmond and Danville and Greensboro Railroads with the North Carolina Railroad.

And upon which, at the instance of the State of Mississippi, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Hale, and McKee. Nay: Messrs. Curry and Chilton.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Garland and Watkins.

Florida—Nay: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Mr. Crawford. Nay: Messrs. Toombs, Foreman, Bass, Kenan, and Stephens.

Kentucky—Yea: Mr. Monroe.

Louisiana—Nay: Messrs. Perkins, Kenner, and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Peyton, Cooke, and Conrow.

North Carolina—Yea: Messrs. Avery, Morehead, Puryear, and Davidson. Nay: Messrs. Davis, Ruffin, McDowell, Venable, and Craige.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Messrs. Thomas and Currin.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, Bocoek, Boteler, Brockenbrough, Russell, Staples, and Walter Preston. Nay: Messrs. Pryor and Johnston.

Yea: Alabama, Kentucky, Mississippi, Missouri, Tennessee, Texas, and Virginia, 7.

Nay: Arkansas, Florida, Georgia, Louisiana, North Carolina, and South Carolina, 6.

So the motion to postpone prevailed.

Mr. Harris called the question, and the question being,  
Shall the call for the question be sustained?

Mr. Toombs, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Messrs. Smith, Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins.

Florida—Nay: Messrs. Morton, Sanderson, and Owens.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Bass, Kenan, and Stephens.

Kentucky—Yea: Mr. Monroe.

Louisiana—Yea: Messrs. De Clouet and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, and Harrison. Nay: Mr. Campbell.

Missouri—Yea: Messrs. Peyton, Harris, Conrow, and Freeman.

North Carolina—Yea: Messrs. Avery, McDowell, Morehead, Puryear, and Davidson. Nay: Messrs. Davis, Ruffin, Venable, and Craige.

South Carolina—Yea: Messrs. Barnwell and Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Messrs. House, Jones, Thomas, and Currin. Nay: Mr. De Witt.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, Macfarland, Pryor, Bocoek, Boteler, Brockenbrough, and Staples. Nay: Mr. Johnston.

Yea: Arkansas, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 9.

Nay: Alabama, Florida, and Georgia, 3.

Divided: Louisiana, 1.

So the demand for the question was sustained,

And the question recurring upon the motion of Mr. Harris to reconsider.

Mr. Curry, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Messrs. Smith, Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason and Garland. Nay: Mr. Watkins.

Florida—Nay: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Mr. Stephens. Nay: Messrs. Toombs, Foreman, Crawford, Bass, and Kenan.

Kentucky—Yea: Mr. Monroe.

Louisiana—Yea: Messrs. De Clouet and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Brooke, Bradford, and Harrison. Nay: Mr. Campbell.

Missouri—Yea: Messrs. Peyton, Harris, Conrow, and Freeman.

North Carolina—Yea: Messrs. Avery, Venable, Morehead, Puryear, and Davidson. Nay: Messrs. Davis, Ruffin, McDowell, and Craige.

South Carolina—Yea: Messrs. Memminger and Boyce. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Messrs. Jones, De Witt, Thomas, and Currin. Nay: Mr. House.

Texas—Yea: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Bocock, Boteler, Brockenbrough, Johnston, and Staples.

Yea: Arkansas, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, Texas, and Virginia, 8.

Nay: Alabama, Florida, and Georgia, 3.

Divided: Louisiana and South Carolina, 2.

So the motion to reconsider prevailed.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

A resolution in regard to the transfer of certain Indian trust funds to the Confederate States.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

A resolution in regard to the transfer of certain Indian trust funds to the Confederate States.

Mr. Smith of Alabama moved to amend by adding to the end of the bill the following, to wit:

*Be it further enacted*, That the President be authorized to employ the sum of one hundred and fifty thousand dollars in the completion of a railroad from or near Demopolis, Alabama, to Meridian, Mississippi, in such manner and on such terms as to him shall seem proper.

*Be it further enacted*, That the President be authorized to expend the sum of one million of dollars in completing a railroad connection between Selma, Alabama, and Montgomery, Alabama, in such manner and on such terms as to him shall seem proper.

On motion of Mr. Ochiltree, 500 extra copies of the reports of the various battles, inclusive of the report of Major-General Polk of the battle of Belmont, [were ordered to] be printed.

Mr. De Witt moved to reconsider the vote on the passage of

A bill to compensate Sydney S. Baxter for certain services therein named.

Mr. Ochiltree offered

A resolution relative to the publication of certain military bills passed by the Congress;  
which was read and laid on the table.

On motion of Mr. Monroe, all amendments to the bill to amend the sequestration act, etc., were ordered to be printed.

On motion of Mr. Jones of Alabama,

Congress adjourned until 12 o'clock to-morrow.

## SIXTY-FOURTH DAY—FRIDAY, FEBRUARY 7, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Daggett.

Congress then resolved itself into secret session.

### SECRET SESSION.

Congress being in secret session,

Proceeded to the consideration of the unfinished business of the morning hour; which was the consideration of the amendment of Mr. Wigfall to



A bill to amend an act to provide for local defense and special service.

Mr. Avery moved to amend by striking out all of the bill after the enacting clause and inserting in lieu thereof the following, to wit:

That the act entitled "An act to provide for local defense and special service," approved August twenty-first, eighteen hundred and sixty-one, be, and the same is hereby, repealed, provided that the troops already enlisted under and by virtue of said act shall be required to perform military service according to the terms of their enlistment in the same manner and to the same extent as if said act had not been passed.

Pending the consideration of which, the morning hour having expired, A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Barnwell, from the Committee on Finance, by unanimous consent, reported

A bill to make appropriation for the expenses of Government in the legislative, executive, and judicial departments from the 18th of February to the 1st of April, 1862; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Harris of Mississippi, by general consent, introduced

A bill to fix the rank of certain officers; which was read first and second times and referred to the Committee on Military Affairs.

Mr. Macfarland offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That a committee of one from each State be appointed by the President of this body, to make such preliminary arrangements as may be necessary for the inauguration of the President and Vice-President elect, and to inquire if any and what legislation is necessary for the accommodation of the two Houses of the permanent Congress and to report thereupon.

The Chair announced the following as the committee under the foregoing resolution:

Messrs. Macfarland of Virginia; McRae of Alabama; Watkins, Arkansas; Morton, Florida; Foreman, Georgia; Ford, Kentucky; Kenner, Louisiana; Harrison, Mississippi; Vest, Missouri; Smith, North Carolina; Boyce, South Carolina; Currin, Tennessee; and Ochiltree, Texas.

Mr. Rhett offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Military Affairs do inquire and report to this House whether the office of brigadier-general is abolished by the withdrawal of a regiment or regiments from his command, whereby his command is reduced to fewer regiments than shall constitute a full brigade; and also whether, there being four regiments under his command, the departure of one of them, on account of its term of service having expired, the brigade is dissolved, and the office of brigadier-general is abolished with it; and also, whether upon the transfer of a brigadier-general who is in command of a brigade of twelve months' men to regiments enlisted for the war, the commission of such brigadier is thereby extended for the war.

Mr. House, from the special committee to inquire into abuses in the Quartermaster's and Commissary Departments, by unanimous consent, introduced

A bill to create an officer styled an auditor of contracts; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Garland, by unanimous consent, introduced

A bill appropriating \$1,000,000 in bonds of the Confederate States, to be used by the President in supplying railroads with iron and rolling stock; which was read first and second times and referred to the Committee on Military Affairs.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

The Chair presented certain estimates from the Secretary of the Treasury; which were read and referred to the Committee on Finance.

Congress then proceeded to the consideration of the unfinished business of yesterday; which was the consideration of the motion of Mr. Ochiltree to lay on the table the amendment of Mr. Smith of Alabama to

A bill to provide for the connection of the Richmond and Danville Railroad with the railroads of the State of North Carolina.

Mr. Chilton moved to postpone indefinitely the consideration of the bill and all pending amendments.

Upon which motion Mr. Crawford called the question; which was seconded, and

Mr. Rhett, at the instance of the State of South Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, and Jones. Nay: Messrs. Hale and McRae.

Arkansas—Yea: Mr. Garland. Nay: Messrs. Thomason and Watkins.

Florida—Yea: Messrs. Morton and Owens. Nay: Mr. Sanderson.

Georgia—Yea: Messrs. Toombs, Foreman, Crawford, Bass, Kenan, and Stephens.

Kentucky—Nay: Messrs. Monroe, Johnson, Ford, Thomas, White, and Elliott.

Louisiana—Yea: Messrs. Perkins and Marshall. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Nay: Messrs. Harris, Conrow, Vest, and Bell.

North Carolina—Yea: Messrs. Davis, Ruffin, McDowell, and Craige. Nay: Messrs. Avery, Venable, Morehead, Puryear, and Davidson.

South Carolina—Yea: Messrs. Rhett and Barnwell. Nay: Messrs. Memminger and Boyce.

Tennessee—Nay: Messrs. Jones, De Witt, Thomas, and Currin.

Texas—Yea: Mr. Oldham. Nay: Messrs. Wigfall, Waul, and Ochiltree.

Virginia—Nay: Messrs. Seddon, Hunter, Macfarland, Pryor, Bocoek, Rives, Scott, Boteler, and Brockenbrough.

Yea: Alabama, Florida, and Georgia, 3.

Nay: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Tennessee, Texas, and Virginia, 9.

Divided: South Carolina, 1.

So the motion did not prevail.

Upon motion of Mr. Harris of Mississippi, leave was granted to the Secretary of War to withdraw the reports of the various battles, for the purpose of correcting the same.

And the question recurring upon the motion of Mr. Ochiltree to lay the amendment of Mr. Smith of Alabama on the table,

Mr. Curry, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Hale, and McRae. Nay: Messrs. Smith, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Mr. Garland.

Florida—Yea: Mr. Sanderson. Nay: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Kenan and Stephens. Nay: Messrs. Toombs, Foreman, Crawford, and Bass.

Kentucky—Yea: Messrs. Monroe, Johnson, Ford, Thomas, and Elliott.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, and Harrison. Nay: Mr. Campbell.

Missouri—Yea: Messrs. Peyton, Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, Ruffin, McDowell, Venable, Morehead, Puryear, Craige, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Boyce.

Tennessee—Yea: Messrs. Jones, De Witt, Thomas, and Currin.

Texas—Yea: Messrs. Wigfall, Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Pryor, Bocoek, Rives, Scott, Boteler, and Brockenbrough.

Yea: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

Nay: Florida and Georgia, 2.

Divided: Alabama, 1.

So the motion prevailed.

Mr. Ochiltree called the question.

And the question being,

Shall the call for the question be sustained?

Mr. Kenan, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Messrs. Smith, Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Mr. Garland.

Florida—Yea: Mr. Sanderson. Nay: Messrs. Morton and Owens.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Bass, Kenan, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, and Thomas. Nay: Mr. Ford.

Louisiana—Yea: Messrs. De Clouet and Conrad. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Brooke, Bradford, and Campbell. Nay: Mr. Harrison.

Missouri—Yea: Messrs. Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, Smith, Ruffin, McDowell, Morehead, Puryear, and Davidson. Nay: Mr. Craige.

South Carolina—Yea: Messrs. Barnwell, Memminger, and Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Messrs. House, Jones, De Witt, Thomas, and Currin.

Texas—Yea: Messrs. Wigfall, Reagan, Waul, and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Pryor, Bocoek, Rives, Scott, Boteler, Brockenbrough, and Staples.

Yea: Arkansas, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 9.

Nay: Alabama, Florida, and Georgia, 3.

Divided: Louisiana, 1.

So the demand for the question was sustained.

And the question being upon ordering the bill to be engrossed for a third reading.

Mr. Curry, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Messrs. Smith, Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Mr. Garland.

Florida—Yea: Mr. Sanderson. Nay: Messrs. Morton and Owens.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Bass, Kenan, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, Thomas, and Elliott.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, and Harrison. Nay: Mr. Campbell.

Missouri—Yea: Messrs. Peyton, Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Avery, Venable, Morehead, Puryear, and Davidson. Nay: Messrs. Davis, Ruffin, McDowell, and Craige.

South Carolina—Yea: Messrs. Memminger and Boyce. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Messrs. Jones, De Witt, Thomas, and Currin.

Texas—Yea: Messrs. Wigfall, Reagan, Waul, and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Bocoek, Rives, Scott, Boteler, Brockenbrough, and Staples. Nay: Mr. Pryor.

Yea: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Tennessee, Texas, and Virginia, 9.

Nay: Alabama, Florida, and Georgia, 3.

Divided: South Carolina, 1.

So the bill was ordered to be engrossed for a third reading.

And Mr. Avery called the question; which was seconded:

When,

Mr. Curry called for the reading of the engrossed copy of the bill.

Mr. Kenan moved that the Congress do now adjourn.

Upon which Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, and Chilton. Nay: Messrs. Hale, McRae, and Jones.



Arkansas—Yea: Mr. Garland. Nay: Messrs. Thomason and Watkins.

Florida—Yea: Messrs. Morton and Owens. Nay: Mr. Sanderson.

Georgia—Yea: Messrs. Foreman, Crawford, Bass, and Kenan.

Kentucky—Nay: Messrs. Monroe, Johnson, Ford, Thomas, and Elliott.

Louisiana—Yea: Messrs. Perkins and Marshall. Nay: Messrs. De Clouet and Conrad.

Mississippi—Nay: Messrs. Harris, Brooke, Harrison, and Campbell.

Missouri—Nay: Messrs. Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Mr. Ruffin. Nay: Messrs. Davis, Avery, Smith, McDowell, Morehead, Puryear, Craige, and Davidson.

South Carolina—Nay: Messrs. Barnwell, Memminger, and Boyce.

Tennessee—Nay: Messrs. House, Jones, De Witt, Thomas, and Currin.

Texas—Nay: Messrs. Wigfall, Waul, and Ochiltree.

Virginia—Nay: Messrs. Seddon, Macfarland, Pryor, Scott, Boteler, and Brockenbrough.

Yea: Florida and Georgia, 2.

Nay: Arkansas, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 9.

Divided: Alabama and Louisiana, 2.

So the motion did not prevail.

Mr. Kenan again moved that the Congress do now adjourn.

Upon which Mr. Thomas, at the instance of the State of Tennessee, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Hale, McRae, and Jones.

Arkansas—Yea: Mr. Garland. Nay: Messrs. Thomason and Watkins.

Florida—Yea: Mr. Owens. Nay: Mr. Sanderson.

Georgia—Yea: Messrs. Toombs, Crawford, Bass, and Kenan.

Kentucky—Nay: Messrs. Monroe, Johnson, Ford, Thomas, and Elliott.

Louisiana—Nay: Messrs. De Clouet, Conrad, and Marshall.

Mississippi—Nay: Messrs. Harris, Brooke, Harrison, and Campbell.

Missouri—Nay: Messrs. Peyton, Harris, Vest, Freeman, and Bell.

North Carolina—Yea: Mr. Ruffin. Nay: Messrs. Davis, Avery, Smith, McDowell, Venable, Morehead, Puryear, Craige, and Davidson.

South Carolina—Nay: Messrs. Barnwell, Memminger, and Boyce.

Tennessee—Nay: Messrs. House, De Witt, Thomas, and Currin.

Texas—Nay: Messrs. Wigfall, Waul, and Ochiltree.

Virginia—Nay: Messrs. Seddon, Macfarland, Pryor, Boccock, Rives, Scott, Boteler, and Brockenbrough.

Yea: Georgia, 1.

Nay: Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 12.

So the motion did not prevail.

Mr. Macfarland offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Committee on Pay and Mileage inquire what provision should be made to equalize the allowance to the members of this Congress to provide for their traveling expenses, with leave to report by bill or otherwise.

Mr. Curry withdrew his demand for the reading of the engrossed copy of the bill.

And the bill was engrossed, read a third time, and the question being upon the passage of the same,

Mr. Curry, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Messrs. Smith, Curry, Chilton, and Jones.

Arkansas—Yea: Messrs. Thomason and Watkins. Nay: Mr. Garland.

Florida—Yea: Mr. Sanderson. Nay: Messrs. Morton and Owens.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Bass, Kenan, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, Ford, Thomas, and Elliott.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, and Harrison. Nay: Mr. Campbell.

Missouri—Yea: Messrs. Peyton, Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Avery, Venable, Morehead, Puryear, and Davidson. Nay: Messrs. Davis, Smith, Ruffin, McDowell, and Craige.

South Carolina—Yea: Messrs. Memminger and Boyce. Nay: Mr. Barnwell.

Tennessee—Yea: Messrs. Jones, De Witt, Thomas, and Currin.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, Macfarland, Bocoek, Rives, Scott, Boteler, and Broekenbrough. Nay: Mr. Pryor.

Yea: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, Texas, and Virginia. 9.

Nay: Alabama, Florida, and Georgia, 3.

Divided: North Carolina, 1.

So the bill was passed.

And on motion of Mr. Elliott,

Congress adjourned until 12 o'clock m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair laid before Congress the following communication from the President:

RICHMOND, February 6, 1862.

*To the President of the Congress of the Confederate States of America:*

I nominate the officers named in the annexed list as recommended by the Secretary of the Navy.

JEFFERSON DAVIS.

*Lieutenant, Navy Confederate States.*

Dulaney A. Forrest, of Virginia, late a lieutenant in the United States Navy.

*Surgeon, Navy Confederate States.*

Richard W. Jeffery, of Virginia, late a surgeon in the United States Navy.

The nominations were referred to the Committee on Naval Affairs.

The Chair laid before Congress another communication from the President; which is as follows, viz:

RICHMOND, VA., February 6, 1862.

*To the President of the Congress of the Confederate States of America:*

I nominate the officers named in the annexed list, agreeably to the recommendation of the Secretary of the Navy.

JEFFERSON DAVIS.

*To be captains in the Navy Confederate States.*

Sidney Smith Lee, of Virginia, and William C. Whittle, of Virginia, commanders in the Navy of the Confederate States.

On motion of Mr. Watkins.

The nominations were referred to the Committee on Naval Affairs.

The Chair laid before Congress a communication from the President, submitting for the action of Congress a list of nominations recommended by the Secretary of War for confirmation as officers in the Army of the Confederate States; which was referred to the Committee on Military Affairs.

Mr. Conrad, from Committee on Naval Affairs, to which had been referred the nominations of the President, December 24, reported the same back, with the recommendation that the said nominations be confirmed.

On motion, the consideration of the appointment of Algernon S. Taylor, of Virginia, as captain in the Marine Corps, was postponed.

The nomination of Nicholas H. Van Zandt, of the District of Columbia, late a lieutenant in the United States Navy, to be a lieutenant in the Navy of the Confederate States, was confirmed.

Congress then resolved itself into legislative session.

## SIXTY-FIFTH DAY—SATURDAY, FEBRUARY 8, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Right Rev. Bishop Early.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session.

The Chair presented a design for a flag; which was referred to the Committee on the Flag and Seal.

Congress then proceeded to the consideration of the unfinished business of the morning hour; which was the consideration of the proviso offered by Mr. Wigfall to

A bill to amend an act to provide for local defense and special service.

Upon which Mr. Avery called the question; which was seconded, and the vote having been taken thereon, the amendment was not agreed to.

The question then recurring upon agreeing to the amendment of Mr. Avery as a substitute for the whole bill.

Mr. Wigfall, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, and Jones. Nay: Messrs. Chilton and Hale.

Arkansas—Nay: Messrs. Thomason, Garland, and Watkins.

Florida—Nay: Messrs. Morton, Sanderson, and Owens.

Georgia—Nay: Messrs. Toombs, Foreman, Bass, and Stephens.

Kentucky—Yea: Messrs. Ford and Elliott. Nay: Messrs. Monroe, Johnson, Thomas, and White.

Louisiana—Nay: Messrs. Perkins, De Clouet, Conrad, Kenner, and Marshall.

Mississippi—Yea: Messrs. Harris and Campbell. Nay: Messrs. Brooke and Harrison.

Missouri—Nay: Messrs. Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Avery, Ruffin, Venable, Craige, and Davidson. Nay: Messrs. Davis, Smith, and McDowell.

South Carolina—Yea: Messrs. Barnwell and Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Messrs. Jones, Thomas, and Currin.

Texas—Yea: Messrs. Wigfall and Ochiltree. Nay: Mr. Waul.

Virginia—Yea: Mr. Pryor. Nay: Messrs. Seddon, Boteler, Russell, and Johnston.

Yea: Alabama, North Carolina, South Carolina, Tennessee, and Texas, 5.

Nay: Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, and Virginia, 7.

Divided: Mississippi, 1.

So the amendment was not agreed to.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for connecting the Richmond and Danville and the North Carolina Railroads, for military purposes.

Mr. Avery moved to reconsider the vote by which his amendment was rejected.

Mr. Kenan moved to postpone the further consideration of the bill until Monday.

Upon which Mr. Seddon demanded the question; and the vote having been taken thereon, the motion prevailed.

On motion of Mr. Conrad, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

The Chair presented a communication from the president of the railroad convention now assembled in the city of Richmond; which was read and laid on the table for the present.

Mr. Harris of Mississippi moved that Congress proceed to the consideration of the bill to amend the sequestration act, etc.; which was agreed to.

And the question being upon agreeing to the amendment of Mr. Russell to the amendment of Mr. Smith of Alabama to the second section of the bill,



Mr. Smith, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Chilton, Hale, McRae, and Jones.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Yea: Messrs. Sanderson and Owens.

Georgia—Nay: Messrs. Toombs, Foreman, Bass, and Hill.

Kentucky—Nay: Messrs. Monroe, Johnson, Thomas, and White.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. Perkins, De Clouet, and Kenner.

Mississippi—Nay: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell.

Missouri—Yea: Messrs. Harris, Conrow, and Freeman.

North Carolina—Yea: Messrs. McDowell and Morehead. Nay: Messrs. Davis, Avery, Smith, Ruffin, and Davidson.

South Carolina—Yea: Mr. Barnwell. Nay: Messrs. Rhett, Memminger, and Boyce.

Tennessee—Yea: Mr. De Witt. Nay: Messrs. House and Currin.

Texas—Nay: Messrs. Wigfall, Waul, and Oldham.

Virginia—Yea: Messrs. Macfarland, Pryor, Bocoek, Boteler, Brockenbrough, Russell, Johnston, and Staples. Nay: Mr. Seddon.

Yea: Florida, Missouri, and Virginia, 3.

Nay: Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, 10.

So the amendment to the amendment was not agreed to.

The question then recurred upon agreeing to the amendment of Mr. Smith.

And the vote having been taken thereon, the same was agreed to.

And the section as amended is as follows, to wit:

SEC. 2. That all money realized under this act and the act to which this is an amendment shall be applied to the equal indemnity of all persons loyal citizens of the Confederate States, or persons aiding the same in the present war, who have suffered or who may hereafter suffer loss or damage by confiscation by the Government of the United States, or by any State government, or pretended government acknowledging and aiding the Government of the United States in this war, or by such acts of the enemy or other causes incident to the war as by future act of Congress may be described and defined as affording, under the circumstances, proper cases for indemnity. And all money realized as aforesaid shall be paid into the Treasury as provided by an act to which this is an amendment, and the faith of the Confederate States is hereby pledged that the same shall be refunded as required for the purposes aforesaid. And the Secretary of the Treasury shall cause a separate account of said money to be kept in well-bound books prepared for that purpose.

Mr. Conrad moved to amend by inserting as section 3 in the bill the following, to wit:

Said fund shall also be applied to the indemnity of all persons who may sustain damage by the abduction or harboring of slaves, the seizure of cotton, rice, tobacco, sugar, or military or naval supplies, or by the destruction of the same to prevent their being taken by the enemy.

Upon which, at the instance of the State of Louisiana, he demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. McRae. Nay: Messrs. Chilton, Hale, and Jones.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Nay: Messrs. Morton and Owens.

Georgia—Nay: Messrs. Toombs, Bass, and Hill.

Kentucky—Nay: Messrs. Monroe, Johnson, and White.

Louisiana—Yea: Messrs. De Clouet and Conrad. Nay: Messrs. Perkins, Kenner, and Marshall.

Mississippi—Yea: Mr. Harrison. Nay: Messrs. Harris, Brooke, Bradford, and Campbell.

Missouri—Yea: Messrs. Harris and Conrow.

North Carolina—Yea: Mr. Morehead. Nay: Messrs. Davis, Avery, Smith, Ruffin, and Davidson.

South Carolina—Yea: Messrs. Barnwell and Boyce. Nay: Mr. Memminger.

Tennessee—Yea: Mr. Jones. Nay: Messrs. House, De Witt, and Thomas.

Texas—Yea: Mr. Oldham. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Boccock, Brockenbrough, and Johnston. Nay: Messrs. Macfarland and Staples.

Yea: Missouri, South Carolina, and Virginia, 3.

Nay: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, and Tennessee, 9.

Divided: Texas, 1.

So the amendment was not agreed to.

And the third section of the bill being under consideration; which is as follows, to wit:

SEC. 3. *Be it further enacted*, That it shall be the duty of every person in possession of or having under his control any money, property, effects, or evidences of debt belonging to an alien enemy, speedily to inform the receiver, and to render an account thereof, and at once to pay over to the receiver and to deliver to him such property and effects and evidences of debt, and such payment and delivery shall be made without regard to whether any proceedings have or have not been instituted to confiscate the same. And any person who, after giving such information, shall fail so to pay over and deliver on demand, made by the receiver, shall stand in contempt, and the receiver shall at once move the court or judge to proceed against such party as in other cases of contempt, and the court or judge may imprison the offender until he shall fully comply with the requirements of this act. And such payment or delivery shall fully acquit and discharge the party from all and every claim for or on account of such money, property, effects, and evidences of debt. And the receiver shall give such person a receipt, specifying the amount of money, the property, effects, and evidences of debt, as paid and delivered, and the name of the alien enemy on account of whom the same shall be paid and delivered.

Mr. Memminger moved to amend by inserting after the word ["person"] the word "actually."

The amendment was agreed to.

Mr. De Witt moved to amend by adding at the end of the section the following proviso, to wit:

*Provided*, That when the person having the possession or control of any money of an alien enemy asserts a debt or claim against such alien in his own favor, he may file it in writing, swearing that he believes himself justly entitled to the same, in the court in the district where he resides, he shall not be compelled, in the first instance, to pay over to the receiver the amount thus propounded and claimed by him. But the court shall then proceed to examine and try the validity of the said debt or claim and decree according to the facts found and the right and justice of the case. And if the court decides against the debt or claim, the party setting up the same shall forthwith pay over the sum so retained by him. And if the court should decree in favor of the debt or claim thus propounded, and it exceeds the entire amount originally in possession of such debtor or claimant, he shall pay no costs; otherwise he shall pay all costs incident to the proceedings.

The amendment was agreed to.

Mr. Russell moved to amend by adding at the end of the section the following, to wit:

If any garnishee shall allege and prove that the consideration of the debt claimed from him was property which has been wholly or partly taken from him, or destroyed by the enemy or returned to the creditor, the value of the property so taken, destroyed, or returned shall be deducted from said debt.

The amendment was not agreed to, and the section as amended reads as follows, to wit:

SEC. 3. That it shall be the duty of every person actually in possession of or having under his control any money, property, effects, or evidences of debt belonging to an alien enemy, speedily to inform the receiver, and to render an account thereof, and at once to pay over to the receiver and to deliver to him such property and effects and evidences of debt, and such payment and delivery shall be made without regard to whether any proceedings have or have not been instituted to confiscate the same. And any person who, after giving such information, shall fail so to pay over and deliver on demand, made by the receiver, shall stand in contempt, and the receiver shall at once move the court or judge to proceed against such party as in other cases of contempt, and the court or judge may imprison the offender until he shall fully comply with the requirements of this act. And such payment or delivery shall fully acquit and discharge the party from all and every claim for or on account of such money, property, effects, and evidences of debt. And the receiver shall give such person a receipt, specifying the amount of money, the property, effects, and evidences of debt, as paid and delivered, and the name of the alien enemy on account of whom the same shall be paid and delivered: *Provided*, That when the person having the possession or control of any money of an alien enemy asserts a debt or claim in his own favor against such alien enemy, he may file it in writing, swearing that he believes himself justly entitled to the same, in the district where he resides, he shall not be compelled, in the first instance, to pay over to the receiver the amount thus propounded and claimed by him. But the court shall then proceed to examine and try the validity of the said debt or claim and decree according to the facts found and the right and justice of the case. And if the court decides against the debt or claim, the party setting up the same shall forthwith pay over the sum so retained by him. And if the court should decree in favor of the debt or claim thus propounded, and it exceeds the entire amount originally in the possession of such debtor or claimant, he shall pay no costs; otherwise he shall pay all costs incident to the proceedings.

And the fourth section of the bill being under consideration; which is as follows, to wit:

SEC. 4. This act, and the act to which it is an amendment, shall not operate to avoid any payment bona fide made to an alien enemy, or to affect property, bona fide and absolutely transferred by any alien enemy to a faithful citizen of the Confederate States.

Mr. De Witt moved to amend the same by inserting after the word "transferred" the words "or conveyed."

The amendment was agreed to, and the section as amended reads as follows, to wit:

SEC. 4. This act, and the act to which it is an amendment, shall not operate to avoid any payment bona fide made to an alien enemy, or to affect property, bona fide and absolutely transferred or conveyed by any alien enemy to a faithful citizen of the Confederate States.

And the fifth section of the bill being under consideration; which is as follows, to wit:

SEC. 5. The following persons shall not be taken to be alien enemies under this act, or the act to which this is an amendment:

I. Persons who now have bona fide become permanent residents of any State of this Confederacy, and are actually residing and domiciled within the same, yielding and acknowledging allegiance thereto, and who have not, during the present war, voluntarily contributed to the cause of the enemy.

II. All persons born within any State of this Confederacy, and all citizens and subjects of a neutral country, who, since the breaking out of the war, have abandoned their domiciles and ceased their business in the enemy's country, and who have not



voluntarily contributed to the enemy's cause; and all persons aforesaid who bona fide have commenced to remove as aforesaid themselves and effects from the enemy's country, and who have been and still are prevented from completing such acts, by the actual force or power of the enemy.

V. All married women, natives of any State of this Confederacy, who shall not be shown to have voluntarily contributed to the cause of the enemy. All infants under the age of fourteen years, natives of any State of this Confederacy, and taken to and now within the enemy's country, without lawful authority in the party taking them to change the infant's domicile. All persons who are non compos mentis, and who, when they became such, were citizens of a State of this Confederacy, and who have, during such state of mind, been removed and kept within the United States.

VI. Free persons of color, who, by the laws of any State have been compelled to remove beyond the limits thereof, and are by law prohibited from returning to such State, and who have not in any wise aided the enemy. In all cases, persons claiming the benefit of the foregoing exceptions, shall be required to prove affirmatively that they are entitled to the same.

Mr. Harris moved to amend by striking out the following words, to wit:

V. All married women, natives of any State of this Confederacy, who shall not be shown to have voluntarily contributed to the cause of the enemy. All infants under the age of fourteen years, natives of any State of this Confederacy, and taken to and now within the enemy's country, without lawful authority in the party taking them to change the infant's domicile. All persons who are non compos mentis, and who, when they became such, were citizens of a State of this Confederacy, and who have, during such state of mind, been removed and kept within the United States.

And inserting in lieu thereof the following words, to wit:

All persons born within any State of this Confederacy who, since the breaking out of the war, have abandoned their domicile and ceased their business in the enemy's country, and all persons aforesaid who have bona fide commenced or attempted to remove themselves and effects from the enemy's country, and who have been and are still prevented from completing said removal by the force or power of the enemy.

All subjects or citizens, natives of neutral countries, whether naturalized or not, who have not voluntarily contributed to the cause of the enemy, and all persons who, though citizens of the enemy's country, have abandoned that country on account of their opposition to the war or sympathy for the people of the Confederate States.

All married women, natives of any State of this Confederacy, who or whose husbands shall not be shown to have contributed to the cause of the enemy.

All persons non compos mentis and all minors whose father or mother were or are natives of this Confederacy and whose property and persons are controlled by guardians resident in the Confederate States, and who have not voluntarily contributed to the enemy's cause, and all minors under the age of fourteen years.

On motion of Mr. Scott, the further consideration of the bill was postponed until Monday at 12 o'clock m.

And the bill as far as perfected and all amendments to the same were ordered to be printed.

Mr. Waul moved that the sessions of Congress shall hereafter commence at 11 o'clock a. m.

The motion was agreed to.

Mr. Ochiltree, from the Committee on Pay and Mileage, to whom was referred

A bill supplemental to an act to fix the pay of members of Congress of the Confederate States of America, reported the same back, with the recommendation that it pass with an amendment.

And the question being upon agreeing to the amendment, which was to strike out the whole of the original bill and to insert in lieu thereof the following, to wit:

A bill to be entitled "An act to provide for the compensation of G. H. Oury, Delegate from Arizona, for his attendance at this session of Congress".

SECTION 1. *The Congress of the Confederate States of America do enact*, That G. H. Oury be entitled to ten cents a mile for coming to the city of Richmond, Virginia, and



returning home, to be estimated by the usual route of travel, and to eight dollars a day during this session of Congress, from the date of the approval of an act to organize the Territory of Arizona, to be paid in the same manner provided by law for the compensation of members of Congress.

The vote was taken thereon, and the amendment was agreed to.

And the bill was engrossed, read third time, and passed.

Mr. Ochiltree, from the same committee, reported

A bill to amend an act to fix the pay of members of Congress of the Confederate States of America, approved March 11, 1861; which was read first and second times and laid on the table.

Mr. Thomas of Tennessee offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That five hundred copies of the reports of Brigadier-Generals Pillow and Cheatham, of the battle of Belmont, and General A. S. Johnston's General Order, No. 5, in relation to said battle, be published for the use of Congress.

Mr. Chilton offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of the Treasury cause to be paid, out of the contingent fund of Congress, the expenses incurred by the Committee on Public Buildings for the furniture and furnishing of committee rooms, and for the rent of said rooms, at the rate of two hundred dollars per month, from the fifth of December, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two: *Provided*, That the acting chairman of said committee shall first approve each account for said expenses.

On motion of Mr. Hale,

Congress adjourned until 11 o'clock a. m. on Monday.

#### EXECUTIVE SESSION.

Congress being in executive session,

Mr. Conrad, from Committee on Naval Affairs, to which had been referred a communication of the President of January 27, nominating lieutenants for the war in the Navy of the Confederate States of America, reported the same back, with a recommendation that they be confirmed; which was agreed to, Congress advising and consenting to the same.

Mr. Conrad, from the same committee, to whom was referred the communication of the President, withdrawing the name of Joseph E. Lindsay and nominating James E. Lindsay as assistant surgeon in the Navy of the Confederate States, reported the same back and recommended that he be confirmed.

Congress advised and consented to the same.

Mr. Conrad, from the same committee, to whom had been referred a message of the President, making sundry nominations in the Navy of the Confederate States, reported the same back, with a recommendation that Congress advise and consent to the same; which was agreed to.

Congress then resolved itself into legislative session.

## SIXTY-SIXTH DAY—MONDAY, FEBRUARY 10, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session.

Mr. Thomason offered

A resolution instructing the Committee on Military Affairs to inquire into the propriety of arming troops with pikes, lances, or spears and shotguns, etc.:

which was read and agreed to.

Mr. Perkins offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President of the Confederate States be requested to communicate to Congress the number of troops now in the service of the Confederate States, specifying the States from which they came, the period of service for which they enlisted; also the dates at which they were mustered into service and at which they will go out of that service; also the number of troops, if any, in the Regular Army of the Confederate States.

Also, the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President be requested to have furnished the Congress, by the heads of the several Departments, a list of the names of the different officers in each Department at the seat of government, accompanied by a statement of the salaries they receive and the State or country of which they are natives.

Mr. Brooke offered the following resolution; which was read and laid on the table, to wit:

*Resolved*, That in the further discussion of the bill known as the "confiscation bill," and amendments thereto, no member shall be permitted to speak more than ten minutes or more than three times on the same proposition.

Mr. Waul introduced

A bill to provide for the appointment of assistant inspectors-general of the Regular Army of the Confederate States of America and for the volunteer forces;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Also, a bill to provide for the appointment of medical inspectors of the Army of the Confederate States; which was read first and second times, placed on the Calendar, and ordered to be printed.

Also, a bill to establish a pay department for the Army of the Confederate States, and for other purposes; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Boteler offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of War be, and he is hereby, requested to communicate to Congress the official reports of the recent operations of the Army of the Valley District in Virginia, under the command of Major-General Thomas J. Jackson.

Mr. Barnwell, from the Committee on Finance, to whom was referred

A resolution of inquiry as to the expediency of exchanging the bonds of the Confederate States for the bonds of the State of Virginia, to the amount of \$1,000,000, to be applied to the completion of the Covington and Ohio Railroad,

reported the same back, asked to be discharged from its further consideration, and that the resolution be referred to the Committee on Military Affairs; which was agreed to.

Mr. Barnwell, from the same committee, to whom was referred

A resolution instructing the committee to report a bill for the benefit of deputy marshals,  
reported the same back, asked to be discharged from its further consideration, and that the resolution be referred to the Committee on Claims; which was agreed to.

Mr. Barnwell, from the same committee, reported back and recommended the passage of

A bill to organize the clerical force of the Treasury Department,

And called the question, which was on ordering the bill to be engrossed for a third reading.

And the question being,

Shall the call for the question be sustained?

The vote was taken and decided in the affirmative.

The bill was then engrossed and read a third time;

When,

Mr. Perkins moved to lay the bill on the table and demanded the question.

And the question being,

Shall the call for the question be sustained?

The vote was taken and decided in the negative.

On motion of Mr. Kenner, Mr. Perkins was allowed to state his objections to the bill.

Mr. Barnwell then moved to reconsider the vote by which the bill was ordered to be engrossed for a third reading.

The motion to reconsider prevailed; and

Mr. Barnwell moved to amend by striking out the clause in the third section of the bill, relating to the tenure of the offices of clerks.

The amendment was agreed to.

And the bill was engrossed, read a third time, and passed.

Mr. Hale, from the Committee on Military Affairs, reported unfavorably on

A bill to encourage enlistments for the Confederate Army in the State of Missouri,

Asked to be discharged from its further consideration, and that the bill lie on the table; which was agreed to.

Mr. Hale, from the same committee, made a similar report on

A bill to provide for the appointment of assistant adjutants-general and aids-de-camp to colonels of regiments assigned to the command of brigades, etc.;  
which was agreed to.

Mr. Perkins, from the Committee on Printing, reported

A bill to provide for the preservation and future publication of the Journals of the Provisional Congress and the proceedings of the convention which framed the provisional and permanent Constitution of the Confederate States;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Hill, from the Committee on Claims, to whom was referred the memorial of B. J. Jordan, reported

A bill for the relief of disbursing officers and agents of the Army and Navy of the Confederate States in certain cases;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Congress then proceeded to the consideration of the unfinished business of Saturday; which was the consideration of the motion of Mr. Avery to reconsider the vote by which his amendment to

A bill to amend an act to provide for local defense and special service was rejected.

And the vote having been taken thereon, the motion to reconsider did not prevail.

Mr. Russell called for the question, which was upon ordering the bill to be engrossed for a third reading.

And the question being,

Shall the demand for the question be sustained?

Mr. Davis, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon: which are as follows, to wit:

Alabama—Yea: Messrs. Curry and Chilton.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Sanderson.

Georgia—Yea: Messrs. Toombs, Crawford, Bass, Wright, Kenan, and Stephens. Nay: Mr. Foreman.

Kentucky—Yea: Messrs. Monroe, Johnson, White, and Elliott.

Louisiana—Yea: Messrs. Perkins, De Clouet, Kenner, and Marshall.

Mississippi—Yea: Messrs. Brooke and Harrison. Nay: Messrs. Harris and Campbell.

Missouri—Yea: Messrs. Clark, Freeman, and Bell. Nay: Mr. Conrow.

North Carolina—Yea: Mr. Morehead. Nay: Messrs. Davis, Avery, Ruffin, Venable, Puryear, Craige, and Davidson.

South Carolina—Nay: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. Jones, De Witt, and Currin. Nay: Mr. Thomas.

Texas—Yea: Mr. Waul. Nay: Messrs. Oldham and Ochiltree.

Virginia—Yea: Messrs. Macfarland, Brockenbrough, Russell, and Johnston.

Yea: Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Tennessee, and Virginia, 8.

Nay: Alabama, North Carolina, South Carolina, and Texas, 4.

Divided: Mississippi, 1.

So the demand for the question was sustained.

And the question being upon ordering the bill to be engrossed for a third reading,

Mr. Avery, at the instance of the State of North Carolina, demanded that the yeas and nays of the whole body be recorded thereon: which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, and Hale.

Arkansas—Nay: Messrs. Johnson, Thomason, and Watkins.

Florida—Yea: Messrs. Morton and Sanderson.

Georgia—Yea: Messrs. Toombs, Bass, Wright, and Stephens. Nay: Messrs. Foreman, Crawford, and Kenan.

Kentucky—Yea: Messrs. Monroe, Johnson, Thomas, White, and Elliott.

Louisiana—Yea: Messrs. De Clouet and Marshall. Nay: Messrs. Conrad and Kenner.



Mississippi—Nay: Messrs. Harris, Brooke, Harrison, and Campbell.  
 Missouri—Yea: Messrs. Clark and Bell. Nay: Messrs. Harris, Con-  
 row, and Freeman.

North Carolina—Yea: Mr. Morehead. Nay: Messrs. Davis, Avery,  
 Ruffin, Venable, Puryear, Craige, and Davidson.

South Carolina—Nay: Messrs. Rhett and Boyce.

Tennessee—Nay: Messrs. Thomas and Currin.

Texas—Nay: Messrs. Wigfall, Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Bocoek, Scott, Brock-  
 enbrough, Russell, and Johnston.

Yea: Florida, Georgia, Kentucky, and Virginia, 4.

Nay: Alabama, Arkansas, Mississippi, Missouri, North Carolina,  
 South Carolina, Tennessee, and Texas, 8.

Divided: Louisiana, 1.

So the Congress refused to order the bill to be engrossed for a third  
 reading.

Mr. Toombs moved to reconsider the vote on the passage of

A bill to provide for the connection of the Richmond and Danville  
 Railroad with the North Carolina Railroad, for military purposes.

The motion to reconsider did not prevail.

On motion of Mr. Toombs, the following protest was ordered to be  
 spread at large on the Journal of Congress:

#### PROTEST.

The undersigned respectfully request that this, their protest against the passage of  
 the "Act to provide for connecting the Richmond and Danville and the North Caro-  
 lina Railroads, for military purposes," may be entered on the Journals of Congress.  
 This act, in effect, places \$1,000,000 of the bonds of the Confederate States at the dis-  
 posal of the President, to be used and applied at such times and in such sums as he  
 may deem proper, for building and working the contemplated road according to  
 his discretion. He may contract with incorporated companies, or, overriding and  
 disregarding them and their vested rights, he may, without any act of incorporation  
 from State or Federal legislative authority, adopt any course he may choose for mak-  
 ing a railroad between the points designated by the act. The wishes of States, the  
 vested interests of States in other roads, corporate rights, rights of private property  
 (including the rights of way, timber and other materials), all, by this act, are made  
 to fall before the fiat of the Executive. It must also follow as "a necessity" that,  
 by thus conferring upon the President the power to invade public, corporate, and  
 individual rights in order to build the road, it must include the power to protect it  
 when built. It would be a reflection upon the intelligence of Congress to suppose  
 that they would authorize an expenditure of a million of dollars to build a road with-  
 out the power to protect it, when built, from injury or destruction. To effect these  
 objects, therefore, the President must prescribe penalties for injuries to it and obstruc-  
 tions impairing its future use; establish tribunals to enforce them; declare what are  
 crimes in relation thereto; affix punishments and provide for their execution—thus  
 exercising dictatorial powers over the lives, liberties, and properties of the people  
 under color of giving improved facilities to the Quartermaster's and Commissary  
 Departments.

By the permanent Constitution, the power of the Confederate Government to  
 acquire places for its capital and for its forts, magazines, arsenals, and dry docks, and  
 for other needful buildings is expressly dependent upon the consent of the legisla-  
 tures of the States in which the same shall be located. Here are military establish-  
 ments enumerated in the Constitution, not only unquestionable military necessities,  
 but especially indispensable means to the exercise of the war power and the public  
 defense, yet even over these (so jealously does the Constitution guard the rights of  
 the States) Congress is not permitted to exercise any jurisdiction whatever until the  
 consent of the States for that purpose is first obtained. This clause of the Constitu-  
 tion substantially declares that no military necessity whatever shall give jurisdiction  
 over the soil of a sovereign State. This conclusion is irresistible, unless it can be  
 shown that there are special reasons for excluding these indispensable military estab-  
 lishments from the benefits of such jurisdiction. Under this view of the permanent  
 Constitution the dangerous powers assumed by the bill under consideration, even if

consistent with the Provisional Constitution, would expire on the 22d instant. Their exercise under such circumstances can not be justified.

If this bill be tested by the Provisional Constitution it will be found to be without warrant or authority from that instrument. This Constitution contains no grant of powers which authorizes its passage. Its advocates admit that there is no express grant to that end, but claim that it is necessary and proper to the exercise of other powers which are granted. They claim that the railroad connection in question is a military necessity, hence the power to make it.

In the opinion of the undersigned, the power to pass the bill in question is not granted to Congress by the Constitution, nor is its exercise necessary and proper to the execution of any granted power. It is not a military necessity, because armies and munitions and military supplies have been, are now, and probably always will be mainly transported by other means. But this peculiar locality is especially excluded from this claim of military necessity. There is not a square inch of the land over which the road is ordered to be built which is 25 miles distant from a railroad, and, therefore, but little, even in time, is to be gained by the proposed railroad over the ordinary modes of transportation. It is not necessary to connect distant portions of the country by railroad communication, such connection being already fully and amply made, altogether sufficient to transport through North Carolina and Virginia all commodities or persons which the existing railroads can bring to them. Therefore, its benefits must be purely local, restricted to the country immediately on the line of the road. This being the case, it has no other or greater claims to be considered a military necessity than any other section of country of equal extent, population, and production in the Confederate States. That this road, under some circumstances, might be a military convenience, is fully admitted, but the same may be said of any other road within our limits, great or small.

The propriety of the road in question is subject to equally grave objections. The bill appropriates between \$20,000 and \$25,000 per mile to its construction. This sum is about the cost of a large number of the best roads in the South, and the interest on the sum, at the rates at which we are borrowing money, amounts to about \$2,000 per mile annually for Government freights, a sum wholly beyond the capacity of the country to pay if applied to the whole of our transportation of the Army in the proportion to what this road will convey. Its impropriety is no less apparent upon another ground. Reasoning from the experience of the past, and upon our diminished supplies of necessary articles for building railroads, the proposed work can not be completed within the next twelve months; therefore may never be used at all for military purposes. Then both the necessity and propriety of the proposed road, even such as they are, rest upon remote contingencies beyond the scope of human vision.

The undersigned are restrained by obvious considerations, in a paper of this kind, from enlarging the argument against the exercise of such stupendous and dangerous powers as are claimed in this bill, under the guise of military necessity. They see in it the direct absorption of all the powers of the State and the liberties of the people. Under the same pretension they now witness the Constitution of the United States subverted, martial law declared, and the writ of habeas corpus suspended. The old Government never exercised this power. This was one of the prospective evils against which the people of the South were warned, and was one of the special grounds urged in favor of separation from it.

For these, among other reasons, the undersigned have a firm conviction that the principles of the bill in question saps the foundation of the Constitution and public liberty, and they therefore enter this their solemn protest against its passage and invoke the people to examine into the public danger.

R. TOOMBS.  
ROBT. H. SMITH.  
J. L. M. CURRY.  
W. S. OLDHAM.  
R. B. RHETT.  
M. J. CRAWFORD.  
T. M. FOREMAN.  
JAS. B. OWENS.  
JACKSON MORTON.  
N. BASS.

Congress then proceeded to the consideration of the special order of the day; which was the consideration of a bill to amend the sequestration act, etc.;

When,

Mr. Harris of Mississippi moved to amend the same by inserting as section 5 in said bill the following, to wit:

In cases of partnership property and effects, the resident partner or partners shall be dealt with in all respects as surviving partners in cases of a dissolution of partnership by the death of one or more of the partners, according to the laws of the place of the principal place of business of the partnership; and the receiver shall have the same remedies against such resident partners as the representatives of a deceased partner would be entitled to in like case.

The amendment was agreed to.

Mr. Macfarland, by unanimous consent, presented a design for a flag; which was referred to the Committee on Flag and Seal.

Mr. Chilton moved to postpone the consideration of the bill prior to the twelfth section, and to proceed with the consideration of the same from that point.

The motion was agreed to.

And section 12 being under consideration; which is as follows, to wit:

SEC. 12. It shall be the duty of all persons owing debts to alien enemies, within three months from the passage of this act, to give information thereof to the receiver of the district in which he or they reside, and in case of corporations or joint stock companies, to the receiver of the district in which the principal office of business of such corporation or company may be, and such information shall be in writing and sworn to by the debtor, and in case of corporations or joint stock companies, by the principal officer of such corporation or company, before any judge of a court of record, justice of the peace, notary public, commissioner of the court, or receiver, under the act to which this is an amendment, and shall set forth the name or names of the creditor or owner of such debt, the amount he owes or owed on the thirtieth of August, eighteen hundred and sixty-one, and whether the same is or has been secured by mortgage or otherwise, and the information or confession so made shall be filed by the receiver in the proper court of the Confederate States, and such court shall, on such information, proceed to decree confiscation and payment of the debt or debts so confessed; and in case any debtor shall in good faith confess his indebtedness as aforesaid, but shall be unable to state the true amount of his indebtedness, or shall be in doubt whether the creditor or owner of the debt is an alien enemy, the court shall proceed to ascertain the character of the creditor or owner, and the true amount of such indebtedness, and to that end shall direct such proceedings as shall be adapted to the nature of the case, and decree according to the facts found: *Provided, however,* That no execution shall issue on such decree, except for the interest which shall accrue on the same at the end of each year, until peace shall be declared between the Confederate States and the United States, or until otherwise directed by law: *And provided, moreover,* That execution may issue for the costs of the proceeding, and the sum so collected for costs shall be deducted from the principal sum due.

Mr. Hill moved to amend by striking out the whole of the same and inserting in lieu thereof the following, to wit:

Neither this act nor the one to which it is amendatory shall operate to sequester or to confiscate any debt due to an alien enemy by mercantile account, note, bond, draft, or by other like evidence of debt, and so much of the act to which this is amendatory as is in conflict with this section is repealed. Neither this act nor the one to which it is amendatory shall operate to confiscate or to sequester any property invested in mining and other permanent improvements in any State, and which the State in which such property may be situated has declared in sovereign convention its fixed policy to protect.

The amendment was not agreed to.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for the compensation of G. H. Oury, Delegate from Arizona, for his attendance at this session of Congress.



Mr. De Witt moved to amend by inserting after the word "found" the following words, to wit:

In all proceedings against persons for debts due by them to alien enemies, the debtor shall be allowed to make any defense in law or equity which he might or could have made in a suit brought against him by the creditor to whom such debt was due.

The amendment was agreed to.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to provide for connecting the Richmond and Danville and the North Carolina Railroads, for military purposes.

Mr. Macfarland moved to amend by adding at the end of the section the following, to wit:

When citizens of any of the Confederate States are both creditors and debtors to citizens of the United States and are impleaded for the debts so due from them as herein provided, they may set off against the same the debts due to them as aforesaid, or so much thereof as is equal to their indebtedness, provided it be shown that the persons from whom the same may be owing are solvent; and thereupon such debts, or so much thereof as may be so set off, shall vest in the receiver, as in other cases.

And upon which, at the instance of the State of Virginia, he demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, Hale, and McRae.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson and Watkins.

Florida—Yea: Mr. Sanderson. Nay: Mr. Owens.

Georgia—Yea: Messrs. Bass and Hill. Nay: Messrs. Toombs and Foreman.

Kentucky—Nay: Messrs. Monroe, Thomas, White, and Elliott.

Louisiana—Yea: Messrs. De Clouet and Conrad. Nay: Messrs. Perkins and Marshall.

Mississippi—Nay: Messrs. Harris, Brooke, Harrison, and Campbell.

Missouri—Yea: Mr. Bell. Nay: Messrs. Clark, Peyton, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Smith, McDowell, and Puryear. Nay: Messrs. Davis, Avery, Ruffin, Venable, Morehead, Craige, and Davidson.

South Carolina—Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Messrs. Jones, De Witt, and Thomas. Nay: Messrs. House and Currin.

Texas—Nay: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Macfarland and Scott. Nay: Messrs. Seddon, Bocoock, Brockenbrough, and Russell.

Yea: Tennessee, 1.

Nay: Alabama, Arkansas, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Texas, and Virginia, 9.

Divided: Florida, Georgia, and Louisiana, 3.

So the amendment was not agreed to.

On motion of Mr. Avery, the injunction of secrecy was removed from A bill to provide for the connection of the Richmond and Danville with the North Carolina Railroad, for military purposes.



Mr. Campbell moved to amend by striking out the following words, to wit: "except for the interest which shall accrue on the same at the end of each year."

Upon which Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Curry. Nay: Messrs. Smith, Chilton, Hale, and McRae.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson and Garland.

Florida—Yea: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Mr. Hill. Nay: Messrs. Foreman and Kenan.

Kentucky—Nay: Messrs. Monroe, Ford, Thomas, and White.

Louisiana—Nay: Messrs. Kenner and Marshall.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, and Harrison.

Missouri—Nay: Messrs. Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Smith and McDowell. Nay: Messrs. Davis, Avery, Ruffin, Craige, and Davidson.

South Carolina—Yea: Mr. Rhett. Nay: Mr. Barnwell.

Tennessee—Yea: Mr. Jones. Nay: Messrs. De Witt, Thomas, and Currin.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Macfarland, Rives, Scott, and Brockenbrough. Nay: Messrs. Seddon, Boteler, and Russell.

Yea: Florida, Texas, and Virginia, 3.

Nay: Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, and Tennessee, 9.

Divided: South Carolina, 1.

So the amendment was not agreed to.

Mr. Smith of North Carolina moved to amend by inserting after the words "*Provided, however,*" the following, to wit:

That all proceedings instituted under the provisions of this act, or that of which it is an amendment, shall conform as far as practicable to the practice prescribed in the courts of the States where they may be held, and further that.

And upon which, at the instance of the State of North Carolina, he demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, and Hale.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Nay: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Bass and Hill. Nay: Messrs. Foreman and Kenan.

Kentucky—Nay: Messrs. Monroe, Thomas, White, and Elliott.

Louisiana—Nay: Messrs. Perkins and Kenner.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Nay: Mr. Conrow.

North Carolina—Yea: Messrs. Smith, McDowell, and Davidson. Nay: Messrs. Davis, Avery, Ruffin, Venable, and Craige.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Messrs. Jones and Thomas. Nay: Messrs. De Witt and Currin.

Texas—Yea: Mr. Waul.

Virginia—Yea: Messrs. Macfarland and Rives. Nay: Messrs. Seddon, Scott, Boteler, Brockenbrough, and Russell.

Yea: Texas, 1.

Nay: Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Virginia, 10.

Divided: Georgia and Tennessee, 2.

So the amendment was not agreed to.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Smith of North Carolina moved to amend by inserting after the word “until” the words “twelve months after.”

The amendment was agreed to.

Mr. Hill moved to amend by adding at the end of the section the following, to wit:

*Provided*, [That] neither this act nor the one to which it is amendatory shall operate to sequester or to confiscate any debt due to an alien enemy by mercantile account, note, draft, or by other like evidence of debt, and so much of the act to which this is amendatory as is in conflict with this provision is repealed.

And upon which, at the instance of the State of Georgia, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, and Hale.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Mr. Sanderson. Nay: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Toombs, Bass, and Hill. Nay: Messrs. Foreman and Kenan.

Kentucky—Nay: Messrs. Monroe, Thomas, and Elliott.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. Perkins, Kenner, and Marshall.

Mississippi—Nay: Messrs. Harris, Brooke, Bradford, Harrison, and Campbell.

Missouri—Nay: Messrs. Clark, Conrow, and Vest.

North Carolina—Nay: Messrs. Davis, Ruffin, Venable, Craige, and Davidson.

South Carolina—Yea: Mr. Boyce. Nay: Mr. Barnwell.

Tennessee—Yea: Messrs. Jones and De Witt. Nay: Messrs. Thomas and Currin.

Texas—Nay: Messrs. Reagan and Waul.

Virginia—Yea: Mr. Rives. Nay: Messrs. Seddon, Macfarland, Scott, Boteler, Brockenbrough, and Russell.

Yea: Georgia, 1.

Nay: Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Texas, and Virginia, 10.

Divided: South Carolina and Tennessee, 2.

So the amendment was not agreed to.

Mr. Hill moved to amend further by adding at the end of the section the following, to wit:

*Provided further*, That neither this act nor the one to which it is amendatory shall operate to sequester or to confiscate any property invested in manufacturing, mining, and other permanent improvement, in any State, and which the State in which said property may be situated has heretofore declared in sovereign convention its fixed policy to protect.

And on which, at the instance of the State of Georgia, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, and Hale.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Nay: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Messrs. Toombs, Bass, and Hill. Nay: Messrs. Foreman and Kenan.

Kentucky—Nay: Messrs. Monroe, Thomas, and Elliott.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. Kenner and Marshall.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Cooke, Vest, and Bell. Nay: Messrs. Clark and Conrow.

North Carolina—Yea: Messrs. Davis, Smith, McDowell, and Davidson. Nay: Messrs. Ruffin, Venable, and Craige.

South Carolina—Yea: Mr. Boyce. Nay: Mr. Barnwell.

Tennessee—Yea: Messrs. Jones and De Witt. Nay: Messrs. House, Thomas, and Currin.

Texas—Nay: Mr. Waul.

Virginia—Yea: Messrs. Macfarland and Scott. Nay: Messrs. Seddon, Boteler, Brockenbrough, and Russell.

Yea: Georgia, Missouri, and North Carolina, 3.

Nay: Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Tennessee, Texas, and Virginia, 9.

Divided: South Carolina, 1.

So the amendment was not agreed to, and the section as amended is as follows, to wit:

SEC. 12. It shall be the duty of all persons owing debts to alien enemies, within three months from the passage of this act, to give information thereof to the receiver of the district in which he or they reside, and in case of corporations or joint stock companies, to the receiver of the district in which the principal office of business of such corporation or company may be, and such information shall be in writing and sworn to by the debtor, and in case of corporations or joint stock companies, by the principal officer of such corporation or company, before any judge of a court of record, justice of the peace, notary public, commissioner of the court, or receiver, under the act to which this is an amendment, and shall set forth the name or names of the creditor or owner of such debt, the amount he owes or owed on the thirtieth of August, eighteen hundred and sixty-one, and whether the same is or has been secured by mortgage or otherwise, and the information or confession so made shall be filed by the receiver in the proper court of the Confederate States, and such court shall, on such information, proceed to decree confiscation and payment of the debt or debts so confessed; and in case any debtor shall in good faith confess his indebtedness as aforesaid, but shall be unable to state the true amount of his indebtedness, or shall be in doubt whether the creditor or owner of the debt is an alien enemy, the court shall proceed to ascertain the character of the creditor or owner, and the true amount of such indebtedness, and to that end shall direct such proceedings as shall be adapted to the nature of the case, and decree according to the facts found. In all proceedings against persons for debts due by them to alien enemies, the debtor shall be allowed to make any defense in law or equity which he might or would have made in a suit brought against him by the creditor to whom such debt was due: *Provided, however,* That no execution shall issue on such decree, except for the interest which shall accrue on the same at the end of each year, until twelve months after peace shall be declared between the Confederate States and the United States, or until otherwise directed by law: *And provided, moreover,* That execution may issue for the costs of the proceeding, and the sum so collected for costs shall be deducted from the principal sum due.



And section 13 being under consideration; which is as follows, to wit:

SEC. 13. The receivers appointed under this act or the act to which this is an amendment, shall proceed diligently to ascertain and collect the debts due to alien enemies by persons residing in the districts for which they are severally appointed, and shall, on the discovery of any such debts, and after the expiration of three months from the passage of this act, and the debtor shall have failed to give information of such debt, proceed to institute proceedings to confiscate the same, and in such proceeding, which shall be by petition, as prescribed by said act, to which this is an amendment, and shall be to confiscate the debt, as well as to ascertain the sum due the debtor, shall be made defendant or respondent, as the case may be, and the process to bring such debtor before the court, or to compel him to answer, shall be in the nature of the writ of garnishment as prescribed in said act, which shall be served on such debtor; and in case of corporations and joint stock companies, on some member or officer of such corporation or company; and shall require the defendant to answer on oath whether he is indebted to any alien enemy, or was so indebted on the thirtieth day of August, eighteen hundred and sixty-one, in what sum, and whether he knows of any other person or persons so indebted, and on the disclosure by the defendant of such indebtedness by other persons, like proceedings shall be had as in the original cause; and in case the defendant shall suggest in his answer that the debt due by him or her is claimed or owned by any person not an alien enemy, setting forth the name of such claimant, his place of abode, citation shall issue to such claimant to appear and propound his claim on oath at the succeeding term of the court; and in case he is absent from the district in which the court is held, or can not be found, publication shall be made for the space of one month in some newspaper, best calculated to apprise such claimant, to appear and propound his claims; and if such claimant shall fail to appear, his claim shall be barred. On the appearance of the claimant, the court shall direct an issue to try the same, and shall award the costs against the claimant, if the claim be unfounded.

Mr. Smith of North Carolina moved to amend the same by adding at the end of the section the following words, to wit:

*Provided*, That the entire answer shall be considered by the court.

Upon which Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith and Chilton.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson and Watkins.

Florida—Yea: Messrs. Morton and Sanderson.

Georgia—Yea: Messrs. Toombs, Foreman, Bass, Hill, and Kenan.

Kentucky—Yea: Messrs. Monroe and Ford. Nay: Mr. Thomas.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. Perkins and Kenner.

Mississippi—Yea: Messrs. Bradford and Campbell. Nay: Messrs. Harris, Brooke, and Harrison.

Missouri—Yea: Messrs. Clark, Vest, and Bell. Nay: Mr. Peyton.

North Carolina—Yea: Messrs. Davis, Smith, McDowell, Puryear, and Davidson. Nay: Messrs. Ruffin and Venable.

South Carolina—Yea: Mr. Barnwell.

Tennessee—Yea: Messrs. House, Jones, De Witt, and Thomas. Nay: Mr. Currin.

Texas—Yea: Mr. Maul.

Virginia—Yea: Messrs. Macfarland and Scott. Nay: Messrs. Boteler and Brockenbrough.

Yea: Florida, Georgia, Kentucky, Missouri, North Carolina, Tennessee, and Texas, 7.

Nay: Alabama, Arkansas, Louisiana, Mississippi, and South Carolina, 5.

Divided: Virginia, 1.

So the amendment was agreed to.



Mr. Thomason moved that Congress do now adjourn.

The motion did not prevail.

Mr. Harris of Mississippi moved to amend by inserting as section 16 the following, to wit:

All proceedings now pending under the act to which this act is an amendment shall be made to conform to the proceedings directed in this act, so far as practicable, and the judgments rendered therein shall be given in all respects, and have the same operation and effect as judgments rendered under the twelfth section of this act.

The amendment was agreed to.

And section 18 being under consideration; which is as follows, to wit:

SEC. 18. In no case shall the judgment or decree be a lien on the personal property of the debtor, but where the court shall award execution under this act, the property of the debtor shall be bound from the delivery of the writ.

Mr. Chilton moved to amend by striking out the word "personal."

The amendment was agreed to.

Mr. Russell moved to amend by inserting as section 20 the following, to wit:

In proceedings under this act, and the act of which it is amendatory, upon affidavit being made by the attorney representing the Confederate States, or the proper receiver, that the name of an alien enemy is wholly or partly unknown to him, or that the names of the members of a partnership of alien enemies are unknown to him, the process and proceedings may be against such partnership by the firm name thereof, stated in such affidavit, or against such alien enemy whose name is wholly or partly unknown, by such name or proper description as may be known and set forth in such affidavit: *Provided*, That the court may, at any time, on motion, cause the full and proper name to be inserted in the record, and used in the proceedings, when the same become known to the court.

The amendment was agreed to.

Mr. Russell moved to amend by inserting as section 21 the following, to wit:

Receivers shall have authority to administer oaths touching any matter incident to proceedings under this act.

The amendment was agreed to.

Mr. Russell further moved to amend by inserting as section 22 the following, to wit:

*Be it further enacted*, That all right, title, and interest which shall be vested in the Confederate States of America, or be sequestered, in any land or lots, by reason of the provisions of this act, or the act entitled "An act for the sequestration of the estates, property, and effects of alien enemies, and for the indemnity of citizens of the Confederate States and persons aiding the same in the existing war with the United States," approved August thirtieth, eighteen hundred and sixty-one, shall be, and the same are hereby, absolutely transferred to, and vested in, any person or persons who are citizens of the said Confederate States, and are true and loyal to the same, for so much as such person or persons may have just title or claim, such failure shall in no wise impair or invalidate the right or title of the person or persons to whom the same shall be transferred as aforesaid, and such right or title so transferred may be asserted in any court.

And upon which he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, Hale, and McRae.

Arkansas—Yea: Mr. Johnson. Nay: Mr. Watkins.

Florida—Yea: Mr. Sanderson.

Georgia—Nay: Messrs. Toombs, Foreman, and Bass.

Kentucky—Nay: Messrs. Monroe and Ford.

Mississippi—Nay: Messrs. Harris and Harrison.

Missouri—Nay: Messrs. Clark and Vest.

North Carolina—Nay: Messrs. Davis, Ruffin, Venable, and Davidson.

South Carolina—Nay: Mr. Barnwell.

Tennessee—Yea: Messrs. Jones, De Witt, and Currin. Nay: Messrs. House and Thomas.

Texas—Yea: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Rives, Scott, Boteler, Brockenbrough, Russell, and Johnston.

Yea: Florida, Tennessee, Texas, and Virginia, 4.

Nay: Alabama, Georgia, Kentucky, Mississippi, Missouri, North Carolina, and South Carolina, 7.

Divided: Arkansas, 1.

Not voting: Louisiana, 1.

So the amendment was not agreed to.

Mr. Russell moved to amend again, by inserting as section 22 the same amendment, with the words "in possession thereof" inserted after the word "persons."

And upon which he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, Hale, and McRae.

Arkansas—Nay: Mr. Johnson.

Florida—Nay: Messrs. Morton and Sanderson.

Georgia—Nay: Mr. Toombs.

Kentucky—Nay: Messrs. Monroe and Ford.

Louisiana—Yea: Mr. Perkins.

Mississippi—Nay: Messrs. Brooke, Harrison, and Campbell.

Missouri—Nay: Messrs. Clark, Peyton, and Vest.

North Carolina—Nay: Messrs. Davis, Smith, Venable, Craige, and Davidson.

South Carolina—Nay: Mr. Barnwell.

Tennessee—Yea: Messrs. Jones and De Witt. Nay: Messrs. Thomas and Currin.

Texas—Yea: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Scott, Boteler, Brockenbrough, Russell, and Johnston.

Yea: Louisiana, Texas, and Virginia, 3.

Nay: Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee, 10.

So the amendment was not agreed to.

Mr. Currin moved to amend by inserting as section 22 the following, to wit:

All persons citizens or residents of any of the Confederate States who, since the breaking out of the war, have voluntarily abandoned their domiciles and removed themselves beyond the Confederate lines and within the enemy's lines, thereby showing their unwillingness to aid the Confederate States in the existing war and their adherence to the United States, are and shall be deemed alien enemies under this act and the one to which it is amendatory.

And upon which he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith and McRae. Nay: Messrs. Curry, Chilton, and Hale.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson and Watkins.

Florida—Yea: Messrs. Morton and Sanderson.

Georgia—Yea: Mr. Foreman. Nay: Mr. Toombs.

Kentucky—Nay: Messrs. Monroe and Ford.

Louisiana—Yea: Mr. Perkins. Nay: Mr. Conrad.

Mississippi—Yea: Messrs. Brooke and Campbell. Nay: Messrs. Harris and Harrison.

Missouri—Yea: Messrs. Clark and Vest. Nay: Mr. Peyton.

North Carolina—Yea: Messrs. Davis, Craige, and Davidson. Nay: Mr. Smith.

South Carolina—Nay: Mr. Barnwell.

Tennessee—Yea: Messrs. House, De Witt, and Currin. Nay: Mr. Jones.

Texas—Yea: Mr. Ochiltree. Nay: Mr. Waul.

Virginia—Nay: Messrs. Seddon, Scott, Boteler, Brockenbrough, Russell, and Johnston.

Yea: Florida, Missouri, North Carolina, and Tennessee, 4.

Nay: Alabama, Arkansas, Kentucky, South Carolina, and Virginia, 5.

Divided: Georgia, Louisiana, Mississippi, and Texas, 4.

So the amendment was not agreed to.

Mr. Perkins moved to amend by offering Mr. Currin's amendment as section 22, leaving out the words "or residents."

On motion of Mr. Waul, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

And on motion of Mr. Perkins,

Adjourned until 11 o'clock a. m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented the following communication from the President:

RICHMOND, February 10, 1862.

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

*To be brigadier-generals.*

James R. Chalmers, of Mississippi, and J. Patton Anderson, of Florida.

Congress advised and consented to the confirmation of J. Patton Anderson, of Florida, to be a brigadier-general in the Army of the Confederate States.

The nomination of J. R. Chalmers, of Mississippi, was referred to the Committee on Military Affairs.

The Chair laid before Congress a message from the President; which is as follows, viz:

RICHMOND, February 10, 1862.

*To the President of the Congress of the Confederate States of America:*

I nominate the officer named in the annexed letter of the Secretary of the Navy, agreeably to his recommendation.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, NAVY DEPARTMENT,  
Richmond, February 10, 1862.

THE PRESIDENT.

SIR: I have the honor to recommend the following nomination for appointment in the Navy of the Confederate States:

*Assistant surgeon.*

James W. Herty, of Georgia, late an assistant surgeon in the United States Navy.

With much respect, your obedient servant,

S. R. MALLORY,  
*Secretary of the Navy.*

The nomination was referred to the Committee on Naval Affairs.

The Chair also laid before Congress another communication from the President; which was read, as follows:

EXECUTIVE DEPARTMENT,  
Richmond, February 10, 1862.

*To the President of the Congress of the Confederate States of America:*

I nominate the officer named in the annexed letter of the Secretary of the Navy, agreeably to his recommendation.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, NAVY DEPARTMENT,  
Richmond, February 8, 1862.

The PRESIDENT.

SIR: I have the honor to recommend the following nomination for appointment in the Navy of the Confederate States:

*Paymaster.*

James K. Harwood, of Maryland, late a paymaster in the United States Navy.  
With much respect, your obedient servant,

S. R. MALLORY,  
*Secretary of the Navy.*

The nomination was referred to the Committee on Naval Affairs.  
Congress then resumed business in legislative session.

SIXTY-SEVENTH DAY—TUESDAY, FEBRUARY 11, 1862.

OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Congress then resolved itself into secret session

SECRET SESSION.

Congress being in secret session,

Mr. Harrison was, on his own motion, excused from serving on the committee to prepare for the inauguration of the President and Vice-President elect,

And the Chair appointed Mr. Brooke to serve in his place.

Mr. Watkins of Arkansas was also, on his own motion, excused from serving on the same committee,

And the Chair appointed Mr. Garland to serve in his place.

Mr. Foreman moved to suspend the regular order of business, for the purpose of taking up a bill from the Calendar to fix the rank and to provide for the pay of certain officers therein named.

Upon which, at the instance of the State of Georgia, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, Hale, and McRae.

Arkansas—Nay: Messrs. Garland and Watkins.

Florida—Yea: Messrs. Morton and Sanderson.

Georgia—Yea: Messrs. Foreman, Wright, Kenan, and Stephens.

Nay: Messrs. Toombs, Bass, and Hill.

Kentucky—Yea: Messrs. Monroe, Johnson, Thomas, and White.

Louisiana—Yea: Messrs. Perkins and Conrad.



Mississippi—Yea: Mr. Brooke. Nay: Messrs. Harrison and Campbell.

Missouri—Yea: Messrs. Vest and Bell. Nay: Messrs. Clark and Freeman.

North Carolina—Nay: Messrs. Davis, Avery, Morehead, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Messrs. Jones and Currin. Nay: Messrs. House, De Witt, and Thomas.

Texas—Nay: Mr. Waul.

Virginia—Yea: Messrs. Scott and Boteler. Nay: Messrs. Seddon, Macfarland, Brockenbrough, Russell, and Johnston.

Yea: Florida, Georgia, Kentucky, Louisiana, and South Carolina, 5.

Nay: Alabama, Arkansas, Mississippi, North Carolina, Tennessee, Texas, and Virginia, 7.

Divided: Missouri, 1.

So the motion did not prevail.

Mr. Brooke moved to take up from the Calendar a resolution offered by him, asking information from the Secretary of the Treasury in relation to the cotton loan.

The motion was agreed to.

And the resolution was taken up, read, and agreed to.

Mr. Campbell introduced

A bill to transfer the county of Attala, in the State of Mississippi, from the northern to the southern judicial district of the State of Mississippi; which was read first and second times, engrossed, read a third time, and passed.

Mr. Chilton introduced

A resolution instructing the Committee on Military Affairs to inquire into the propriety of employing slaves as cooks and nurses, etc.: which was read and agreed to.

Mr. Chilton presented a letter; which was referred to the committee to examine into abuses in the Quartermaster's and Commissary Departments, without being read.

Also, a bill to establish certain post routes therein named; which was read first and second times, engrossed, read a third time, and passed.

Also, a design for a flag; which was referred to the Committee on Flag and Seal.

Mr. Morton, from the Committee on Flag and Seal, made a report, accompanied by three designs for a flag; which was read and laid on the table for the present.

Mr. Hill, from the Committee on Claims, reported back sundry papers referred to that committee, asked to be discharged from the further consideration of the same, and that the claimants have leave to withdraw the same; which was agreed to.

Mr. Crawford moved to make the special order for to-morrow

A bill to admit duty free all goods, wares, and merchandise imported into the Confederacy, etc.

Mr. Curry moved to amend by making the same the special order immediately after the consideration of the confiscation bill was concluded.

The amendment was agreed to, and the motion as amended was adopted.

Mr. Crawford then moved as a substitute that it be made the special order for Thursday next.

And the vote having been taken thereon, the substitute was agreed to.

On motion of Mr. Rhett,

A bill to regulate the navigation of the Confederate States was made the special order for Friday next.

Mr. Smith of Alabama moved that the Public Printer be requested to return the original manuscripts of the amendments to the sequestration act.

The motion was agreed to.

And Congress proceeded to the consideration of the unfinished business of yesterday; which was the consideration of the amendment of Mr. Perkins to section 22 of the act to amend the sequestration act, etc.

And upon which, at the instance of the State of Louisiana, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Curry and Chilton.

Arkansas—Nay: Messrs. Johnson, Garland, and Watkins.

Florida—Nay: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Messrs. Foreman, Crawford, Bass, Hill, and Kenan. Nay: Messrs. Toombs and Stephens.

Kentucky—Nay: Messrs. Monroe, Thomas, and White.

Louisiana—Yea: Messrs. Perkins and Kenner. Nay: Mr. Conrad.

Mississippi—Yea: Mr. Campbell. Nay: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Clark, Conrow, Vest, and Freeman. Nay: Messrs. Peyton and Cooke.

North Carolina—Yea: Messrs. Davis, McDowell, Morehead, and Craige. Nay: Messrs. Venable and Davidson.

South Carolina—Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Messrs. De Witt and Currin. Nay: Mr. House.

Texas—Yea: Messrs. Waul and Ochiltree.

Virginia—Nay: Messrs. Seddon, Hunter, Macfarland, Pryor, Scott Brockenbrough, Russell, and Johnston.

Yea: Georgia, Louisiana, Missouri, North Carolina, Tennessee, and Texas, 6.

Nay: Alabama, Arkansas, Florida, Kentucky, Mississippi, South Carolina, and Virginia, 7.

So the amendment was not agreed to.

And section 20 being under consideration; which is as follows, to wit:

SEC. 20. All taxes now or hereafter assessed on any property subject to confiscation under this act shall be paid by the receiver of the district in which the same may be situated from any money in his hands, and the amount so paid shall be stated in his account, and in case there shall not be sufficient money in the hands of such receiver to pay the taxes on the property in his district he shall report the fact to the court and the court may order the same to be paid out of the general confiscation fund.

Mr. Harris of Mississippi moved to amend by striking out the whole of the same.

The amendment was agreed to.

And section 24 being under consideration; which is as follows, to wit:

SEC. 24. The commissioners authorized by the fourteenth section of the act to which this is an amendment, shall appoint a clerk with a salary of dollars to be paid out of the Treasury of the Confederate States, but such salary, as

well as the salary of said commissioners, shall be charged to the sequestration fund and be deducted therefrom; and said commissioners shall moreover have power to appoint commissioners to take the examination of witnesses touching the claims which may be propounded before them, or may summon witnesses before them to be examined orally; said commissioners and the commissioners appointed by them to examine witnesses as aforesaid, shall have power to administer oaths to the witnesses and to issue subpoenas, and witnesses failing to appear shall be subject to like penalties and process as may be prescribed in the courts of the Confederate States against defaulting witnesses: *Provided, however,* That the costs of all proceedings to take testimony shall be paid by the claimant, except in cases where the Attorney-General shall apply for leave to take testimony, and the fees of witnesses and commissioners shall be the same as are allowed in the courts of the Confederate States in like cases.

Mr. Harris moved to amend by filling the blank in the same with the words "fifteen hundred."

The amendment was agreed to.

Mr. Smith of Alabama moved to amend by inserting as section 25 the following, to wit:

So much of the act to which this is an amendment as requires the receivers to settle separately the estate of each alien enemy is repealed, and hereafter each settlement shall embrace all the matters ready for settlement; but the items of the account shall be so specific as to show the sources from which each is derived.

The amendment was agreed to.

Mr. Foreman moved to amend by inserting as section 26 the following, to wit:

Where any judgment has been rendered up in any of the courts of the Confederate States under the act to which this is an amendment, inconsistent with the spirit and provisions of this, the same shall be set aside or amended in accordance with the terms and provisions of this act.

The amendment was agreed to.

Congress then recurred to the consideration of the pending amendment of Mr. Harris of Mississippi to the fifth section of the bill.

Mr. Harris modified his amendment by inserting after the word "Confederacy" in the first clause the words "or neutral country," and by adding at the end of the same clause the words "or who from physical infirmity are incapable of removing."

And in the second clause, by substituting for the word "natives" the word "citizens," and by inserting after the word "who" the words "can not be shown to have," and before the words "Confederate States" the words "people of the."

And in the fourth clause, before the word "contributed," the word "voluntarily."

And in the third clause by striking out the words "whether naturalized or not."

Mr. Russell moved to amend by striking out as follows, to wit:<sup>a</sup>

The amendment was not agreed to.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn.

Mr. Davis of North Carolina moved to amend by striking out in the fourth clause the word "fourteen" and by inserting in lieu thereof the word "sixteen."

The amendment was agreed to.

Mr. Monroe moved to amend by striking out the words "and all minors under the age of sixteen years."

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<sup>a</sup> The proposed amendment is not recorded in the Journal.

And upon which, at the instance of the State of Kentucky, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith and Chilton.

Arkansas—Yea: Mr. Watkins. Nay: Mr. Thomason.

Florida—Yea: Mr. Owens. Nay: Mr. Sanderson.

Georgia—Yea: Messrs. Wright and Kenan. Nay: Messrs. Toombs, Foreman, Crawford, Bass, and Hill.

Kentucky—Yea: Messrs. Monroe, Thomas, and Elliott. Nay: Mr. Ford.

Louisiana—Nay: Messrs. Perkins and De Clouet.

Mississippi—Yea: Messrs. Harris, Brooke, and Harrison. Nay: Messrs. Bradford and Campbell.

Missouri—Yea: Messrs. Peyton and Vest. Nay: Messrs. Clark and Bell.

North Carolina—Yea: Messrs. Avery, Venable, and Morehead. Nay: Messrs. Davis, McDowell, Craige, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Menninger, and Boyce.

Tennessee—Yea: Mr. Currin. Nay: Messrs. House, Jones, De Witt, and Thomas.

Texas—Nay: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Scott, Boteler, Russell, and Johnston.

Yea: Alabama, Kentucky, Mississippi, South Carolina, and Virginia, 5.

Nay: Georgia, Louisiana, North Carolina, Tennessee, and Texas, 5. Divided: Arkansas, Florida, and Missouri, 3.

So the amendment was not agreed to.

Mr. Thomas of Tennessee moved to amend by striking out the words "and persons are" and by inserting in lieu thereof the word "is."

The amendment was not agreed to.

Mr. Rhett moved to amend by adding at the end of the fourth clause the words "who were born in any State of this Confederacy, or any State exempted from the provisions of this act, while their parents were domiciled in said State."

The amendment was agreed to.

Mr. House moved to amend by adding after the word "married" the word "unmarried."

Mr. Pryor moved to postpone indefinitely the further consideration of the bill and the amendments thereto.

Upon which motion Mr. Garland, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Mr. Smith. Nay: Messrs. Chilton and Hale.

Arkansas—Nay: Messrs. Thomason, Garland, and Watkins.

Florida—Nay: Messrs. Sanderson and Owens.

Georgia—Yea: Messrs. Toombs, Bass, and Wright. Nay: Messrs. Foreman, Hill, and Kenan.

Kentucky—Nay: Messrs. Monroe, Ford, Thomas, and Elliott.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. Perkins, De Clouet, and Marshall.

Mississippi—Yea: Mr. Harrison. Nay: Messrs. Harris, Brooke, Bradford, and Campbell.



Missouri—Yea: Messrs. Clark, Cooke, Vest, and Bell. Nay: Messrs. Peyton, Harris, Conrow, and Freeman.

North Carolina—Nay: Messrs. Davis, Avery, Venable, Morehead, Craige, and Davidson.

South Carolina—Nay: Messrs. Rhett, Barnwell, and Memminger.

Tennessee—Yea: Mr. Jones. Nay: Messrs. House, De Witt, Thomas, and Currin.

Texas—Yea: Mr. Oldham. Nay: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Pryor, Russell, and Johnston. Nay: Messrs. Seddon, Macfarland, Rives, Scott, Boteler, and Brockenbrough.

Nay: Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 11.

Divided: Georgia and Missouri, 2.

So the motion did not prevail.

And the question recurring upon agreeing to the amendment of Mr. House,

Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Chilton, and Hale.

Arkansas—Nay: Messrs. Garland and Watkins.

Florida—Yea: Mr. Sanderson. Nay: Mr. Owens.

Georgia—Yea: Messrs. Toombs, Bass, and Hill. Nay: Messrs. Foreman and Wright.

Kentucky—Nay: Messrs. Monroe and Elliott.

Louisiana—Yea: Messrs. De Clouet and Conrad. Nay: Messrs. Perkins and Marshall.

Mississippi—Nay: Messrs. Harris, Bradford, Harrison, and Campbell.

Missouri—Yea: Mr. Bell. Nay: Messrs. Peyton, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Davis and Davidson. Nay: Messrs. Avery, Venable, Morehead, and Craige.

South Carolina—Nay: Messrs. Rhett, Barnwell, and Memminger.

Tennessee—Yea: Messrs. House, De Witt, and Thomas. Nay: Mr. Currin.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Macfarland and Scott. Nay: Messrs. Seddon, Rives, Brockenbrough, Russell, and Johnston.

Yea: Georgia, Tennessee, and Texas, 3.

Nay: Alabama, Arkansas, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, and Virginia, 8.

Divided: Florida and Louisiana, 2.

So the amendment was not agreed to.

Mr. Smith of Alabama moved to amend by inserting after the word "who" the words "or whose husbands."

The amendment was agreed to.

Mr. Chilton moved to amend by adding to the end of the fourth clause the words "and who have not taken up arms against the Confederate States."

The amendment was agreed to.

And the question being upon agreeing to the amendment of Mr. Harris as amended, the vote was taken and the amendment as amended was adopted.

And the section as amended is as follows, to wit:

SEC. 5. The following persons shall not be taken to be alien enemies under this act, or the act to which this is an amendment:

I. Persons who now have bona fide become permanent residents of any State of this Confederacy, and are actually residing and domiciled within the same, yielding and acknowledging allegiance thereto, and who have not, during the present war, voluntarily contributed to the cause of the enemy.

II. All persons born within any State of this Confederacy, or natives of a neutral country, who, since the breaking out of the war, have abandoned their domiciles and ceased their business in the enemy's country, and all persons aforesaid who have bona fide commenced or attempted to remove themselves and effects from the enemy's country, and who have been and still are prevented from completing said removal by the force or power of the enemy, or who from physical infirmity are incapable of removing.

III. All subjects or citizens of neutral countries who can not be shown to have voluntarily contributed to the cause of the enemy, and all persons who, though citizens of the enemy's country, have abandoned that country on account of their opposition to the war or sympathy for the people of the Confederate States.

IV. All married women, natives of any State of this Confederacy, who (or whose husbands) shall not be shown to have voluntarily contributed to the cause of the enemy. All persons non compos mentis, and all minors whose fathers or mothers were or are natives of this Confederacy and whose property and persons are controlled by guardians resident in the Confederate States, and who have not voluntarily contributed to the enemy's cause, and all minors under the age of fourteen years, who were born in any State of this Confederacy, or any State exempted from the operations of this act, while their parents were domiciled in such State, and who have not taken up arms against the Confederate States.

V. Free persons of color, who, by the laws of any State have been compelled to remove beyond the limits thereof, and are by law prohibited from returning to such State, and who have not in any wise aided the enemy. In all cases, persons claiming the benefit of the foregoing exceptions, shall be required to prove affirmatively that they are entitled to the same.

Mr. Hill moved to reconsider the vote just taken.

The motion to reconsider did not prevail.

Mr. Johnston of Virginia moved to amend by inserting as an independent section, to be section 6, as follows, to wit:

*Be it further enacted*, That all right, title, and interest which shall be adjudged or decreed to be sequestrated, in any lands or lots, by reason of the provisions of this act, or the act to which this is amendatory, shall be, upon the rendering of the judgment or decree of sequestration, and the same are hereby absolutely transferred to and vested in any person or persons who are citizens of the Confederate States, and are true and loyal to the same, for so much as such person or persons may have just title or claim to, legal or equitable, bona fide claimed, held, or derived from, or under any grant or grants made by the authority of the State, where situated, bearing date previous to the first day of May, eighteen hundred and sixty-one; and the lands or lots thus transferred shall not be subject to sale or further proceedings under this act or said former act. The court to which any such land or lots may be reported, under such rules and regulations as it may prescribe, shall, at the expense of the claimant or claimants, ascertain the lands or lots, or parcels thereof, so exempt from sale. But should the said court, from any cause, fail to ascertain the land or lots, or parcels thereof, exempt from sale as aforesaid, such failure shall, in no wise, impair or invalidate the right or title of the person or persons to whom the same shall be transferred as aforesaid, and such right or title, so transferred, may be asserted in any court having jurisdiction, as prescribed by laws of the State in which such lands may be situate: *Provided*, That in any controversy between patentees or claimants, not claiming under the sequestrated title before the decree of sequestration, the provisions of this section shall not apply, but the parties shall be left to the strength of their respective titles.

Upon which Mr. Russell, at the instance of the State of Virginia, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, Hale, and McRae.

Arkansas—Yea: Mr. Thomason. Nay: Mr. Garland.

Georgia—Nay: Messrs. Toombs, Crawford, Bass, Hill, and Wright.  
Kentucky—Yea: Messrs. Monroe, Ford, and Elliott.  
Louisiana—Yea: Mr. Conrad. Nay: Mr. Marshall.  
Mississippi—Nay: Messrs. Bradford, Harrison, and Campbell.  
Missouri—Nay: Mr. Conrow.  
North Carolina—Yea: Messrs. Puryear and Davidson. Nay: Messrs. Davis, Venable, and Craige.  
South Carolina—Nay: Messrs. Barnwell, Memminger, and Boyce.  
Tennessee—Yea: Mr. De Witt. Nay: Messrs. House, Jones, Thomas, and Currin.  
Texas—Nay: Mr. Waul.  
Virginia—Yea: Messrs. Seddon, Macfarland, Rives, Scott, Boteler, Brockenbrough, Russell, and Johnston.  
Yea: Kentucky and Virginia, 2.  
Nay: Alabama, Georgia, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas, 8.  
Divided: Arkansas and Louisiana, 2.  
Not voting: Florida, 1.  
So the amendment was not agreed to.  
Mr. Elliott moved that Congress do now adjourn.  
The motion did not prevail.  
- Mr. Russell moved to amend by inserting as section 6 the following, to wit:

No land shall be sequestered or sold under this act, or the one to which it is amendatory, if the same was, on the twenty-first of May, eighteen hundred and sixty-one, and yet remains in the possession of a citizen of any of the Confederate States loyal to the same claiming under title, or color of title, of the State to such land, adversely to the title of the alien enemy alleged to have title thereto.

And upon which, at the instance of the State of Virginia, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Smith, Curry, Chilton, Hale, and McRae.  
Arkansas—Yea: Mr. Thomason. Nay: Messrs. Garland and Watkins.  
Florida—Nay: Mr. Sanderson.  
Georgia—Yea: Messrs. Toombs, Crawford, and Bass. Nay: Messrs. Foreman and Wright.  
Kentucky—Yea: Mr. Monroe. Nay: Mr. Elliott.  
Louisiana—Yea: Mr. Conrad. Nay: Mr. Perkins.  
Mississippi—Nay: Messrs. Harris, Brooke, Bradford, and Harrison.  
Missouri—Yea: Messrs. Cooke, Harris, and Bell. Nay: Mr. Conrow.  
North Carolina—Yea: Messrs. McDowell and Davidson. Nay: Messrs. Venable, Morehead, and Craige.  
South Carolina—Nay: Messrs. Barnwell and Memminger.  
Tennessee—Yea: Mr. De Witt. Nay: Messrs. House, Thomas, and Currin.  
Texas—Nay: Messrs. Reagan, Waul, and Ochiltree.  
Virginia—Yea: Messrs. Seddon, Macfarland, Rives, Boteler, Brockenbrough, Russell, and Johnston.  
Yea: Georgia, Missouri, and Virginia, 3.  
Nay: Alabama, Arkansas, Florida, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, 8.  
Divided: Kentucky and Louisiana, 2.  
So the amendment was not agreed to.

Mr. Macfarland moved to amend by adding the following as an additional section to the bill, viz:

Whenever it shall be made to appear that the debt due from a citizen of any Confederate State to an alien enemy has been discharged in whole or in part by subjecting thereto the effects or credits of such citizen within any State of the United States, or within the military control of the enemy, the debt shall be reduced by a credit corresponding to the value of the effects or credits so subjected.

Whereupon,

Mr. Macfarland, at the instance of the State of Virginia, demanded that the yeas and nays of the whole body should be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Smith, Curry, Chilton, Hale, and McRae.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Garland and Watkins.

Florida—Yea: Mr. Sanderson. Nay: Mr. Morton.

Georgia—Yea: Messrs. Foreman, Bass, and Hill.

Kentucky—Nay: Messrs. Monroe and Elliott.

Louisiana—Yea: Mr. Conrad. Nay: Mr. Marshall.

Mississippi—Yea: Mr. Bradford. Nay: Messrs. Brooke and Harrison.

Missouri—Yea: Messrs. Clark, Harris, and Bell. Nay: Mr. Conrow.

North Carolina—Yea: Messrs. McDowell and Puryear. Nay: Messrs. Davis, Venable, and Morehead.

South Carolina—Nay: Messrs. Barnwell and Memminger.

Tennessee—Yea: Messrs. House, Jones, and De Witt. Nay: Mr. Currin.

Texas—Yea: Mr. Ochiltree. Nay: Mr. Maul.

Virginia—Yea: Messrs. Macfarland, Rives, Scott, Boteler, and Brockenbrough. Nay: Mr. Seddon.

Yea: Georgia, Missouri, Tennessee, and Virginia, 4.

Nay: Alabama, Arkansas, Kentucky, Mississippi, and South Carolina, 5.

Divided: Florida, Louisiana, North Carolina, and Texas, 4.

The amendment was lost.

Mr. Conrad moved to amend the fifth section of the bill by adding at the end thereof the following words, viz:

*Provided also*, That in case the debtor shall be liable to a third party who is not an alien enemy, for a debt due by the alien enemy to whom he is indebted, he may retain in his hands so much of his indebtedness as will indemnify him against such liability until relieved from the same.

Whereupon,

Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Smith, Curry, Chilton, Hale, and McRae.

Arkansas—Nay: Messrs. Garland and Watkins.

Florida—Nay: Messrs. Morton and Sanderson.

Georgia—Yea: Messrs. Foreman, Bass, and Hill.

Kentucky—Yea: Mr. Monroe. Nay: Mr. Elliott.

Louisiana—Yea: Messrs. Perkins and Conrad.

Mississippi—Nay: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Cooke, Harris, and Bell. Nay: Mr. Conrow.

North Carolina—Yea: Messrs. Davis and McDowell. Nay: Messrs. Venable, Morehead, and Craige.



South Carolina—Yea: Mr. Boyce. Nay: Mr. Memminger.

Tennessee—Yea: Messrs. House, Jones, and De Witt. Nay: Mr. Currin.

Texas—Yea: Mr. Waul. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Macfarland, Rives, Scott, and Boteler. Nay: Mr. Seddon.

Yea: Georgia, Louisiana, Missouri, Tennessee, and Virginia, 5.

Nay: Alabama, Arkansas, Florida, Mississippi, and North Carolina, 5.

Divided: Kentucky, South Carolina, and Texas, 3.

The amendment was lost.

Mr. Seddon moved to amend the bill by adding the following as an additional section, viz:

The next of kin in the direct ascending and descending lines of any alien enemy, faithful citizens of any of the Confederate States, or engaged in their military or naval service, shall be entitled to have decreed them (they paying all costs) the property, effects, and credits of such alien enemy, as if dead, intestate, leaving no other heirs or distributees, chargeable, however, in their hands, as in case of administration or heirship, with the debts of such alien enemies due to faithful citizens of any Confederate State.

The motion prevailed.

Mr. Conrad moved that Congress do adjourn.

The motion was lost.

The seventh section of the bill having been read, as follows, viz:

SEC. 7. All payments of money and transfers of property, effects, and choses which heretofore have been bona fide and absolutely made to any true and loyal citizen of the Confederate States in adjustment, settlement, and payment of any claim he had against an alien enemy before the breaking out of the war, shall not be confiscated. The burden of proof of such exemption shall be on the party setting up the right.

Mr. De Witt moved to amend the same by inserting after the words "effects, and choses" the words "or the exchange of either."

The motion was lost.

Mr. Smith of Alabama moved to amend the bill by striking out the whole section.

Whereupon,

Mr. De Witt, at the instance of the State of Tennessee, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Yea: Messrs. Smith, Curry, Chilton, Hale, and McRae.

Arkansas—Yea: Messrs. Garland and Watkins.

Florida—Yea: Mr. Morton. Nay: Mr. Sanderson.

Georgia—Yea: Mr. Foreman. Nay: Mr. Hill.

Kentucky—Yea: Messrs. Monroe and Elliott.

Louisiana—Yea: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Peyton and Conrow. Nay: Mr. Bell.

North Carolina—Yea: Messrs. Davis, McDowell, Venable, Morehead, Puryear, and Craige.

South Carolina—Yea: Messrs. Barnwell, Memminger, and Boyce.

Tennessee—Yea: Messrs. Jones and Currin. Nay: Messrs. House, De Witt, and Thomas.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Macfarland and Scott. Nay: Messrs. Seddon and Brockenbrough.

Yea: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas, 9.

Nay: Tennessee, 1.

Divided: Florida, Georgia, and Virginia, 3.

The motion prevailed.

Mr. Venable moved that Congress do now adjourn.

The motion was lost.

Section 8 of the bill being under consideration, as follows, viz:

SEC. 8. In all decrees of sale under this act, and the one to which it is an amendment, the court making the decree shall order such terms and notice of sale as to it shall seem proper, and all sales, and all moneys and promises to pay taken under them, shall be reported by the receiver to the next term of the court after they shall be made, and shall be confirmed or rejected as the court shall deem just and proper; and all confirmations of sale shall pass to the purchaser title to the property and effects sold, and the court may stay the execution of any decree of sale for such time as may seem fit in order to secure a sale at full value, and may direct the several receivers to report whether sales may or may not be postponed with advantage to the objects of this act.

Mr. Harris of Mississippi moved to amend by striking out the same and inserting in lieu thereof the following words, viz:

All sales of property under this act shall be made by the receiver, at public auction, to the highest bidder, and on such terms and such notice of the time and place of sale as the court may prescribe, and shall be duly reported to the court by such receiver at the term next after such sale, but no conveyance of title shall be made to the purchaser of the property until the confirmation of the sale by the court and the payment of the purchase money according to the terms of the sale, and no sale shall be valid until reported to and confirmed by the court, nor shall any sale be confirmed until the terms shall have been complied with, and the court may set aside such sale for fraud, want of proper notice, or any material irregularity or where it shall appear that the receiver was the purchaser or interested in the purchase, or for substantial inadequacy of price: *Provided, however,* That sales of personalty may be reported to and confirmed by the judge in vacation.

Mr. Conrad moved to amend the amendment by adding thereto the following words, viz:

and provided no sale shall be made unless the property shall bring two-thirds of its appraised value.

Whereupon,

Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, viz:

Alabama—Nay: Messrs. Smith, Curry, Chilton, and Hale.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Garland and Watkins.

Florida—Yea: Messrs. Morton and Sanderson.

Georgia—Yea: Mr. Hill. Nay: Mr. Foreman.

Kentucky—Yea: Mr. Monroe.

Louisiana—Yea: Mr. Conrad.

Mississippi—Nay: Messrs. Harris, Brooke, Harrison, and Campbell.

Missouri—Yea: Messrs. Clark, Peyton, and Bell. Nay: Mr. Conrow.

North Carolina—Yea: Messrs. McDowell and Puryear. Nay: Messrs. Davis, Morehead, and Craige.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Barnwell and Memminger.

Tennessee—Yea: Messrs. House, Jones, De Witt, and Thomas.

Texas—Yea: Messrs. Waul and Ochiltree.

Virginia—Nay: Messrs. Seddon and Brockenbrough.

Yea: Florida, Kentucky, Louisiana, Missouri, Tennessee, and Texas, 6.

Nay: Alabama, Arkansas, Mississippi, South Carolina, and Virginia, 5.

Divided: Georgia and North Carolina, 2.

The amendment was lost.

Mr. Perkins moved that Congress do now adjourn.

The motion was lost.

The question recurring on the motion of Mr. Harris of Mississippi to amend the eighth section of the bill, the same was agreed to.

The ninth section of the bill being under consideration: which is as follows, viz:

SEC. 9. The court shall audit and pass on the accounts of the receiver as provided in the act to which this is an amendment; but in lieu of the compensation and allowances therein provided for, shall allow such compensation as shall to it seem reasonable and just, following, in this respect, so far as may be applicable, the analogies furnished by the laws of the State in which the court is held, concerning compensation to executors, administrators, and trustees; and the court shall further allow to the receiver all proper expenses attending the execution of his office. And all fees and allowances passed by the court in favor of any receiver may be retained by him from any money in his hands; and all fees and allowances to any receiver beyond the rate of five thousand dollars per annum, except for expenses as aforesaid, shall be forthwith paid by him into the Confederate Treasury to the use of the Confederate States and shall be brought into and stated and accounted for in his next account of settlement as receiver.

Mr. Harris of Mississippi moved to amend by striking out the same and inserting in lieu thereof the following words, viz:

The court may, in its discretion, when special circumstances exist which temporarily depress the value of the property, delay the order of sale, or may direct the receiver to examine and report whether it would be expedient to make an immediate sale of such property, and on such report, or other satisfactory evidence, showing that a delay in the sale would tend to secure a fairer price, may order such sale to be delayed, and in all such cases the court may, in the case of real estate or of a plantation and slaves, order the receiver to lease the same on such terms as the court may prescribe.

The motion prevailed.

Mr. Davis of North Carolina moved to amend the bill by adding the following as an additional section, viz:

In cases where an alien enemy may have contracted, in writing, before the twenty-first day of May, eighteen hundred and sixty-one, to sell real estate to a citizen or citizens of this Confederacy, and to make title upon payment of the purchase money, the court, in decreeing sequestration of the said purchase money, or the residue thereof unpaid, shall further decree that the receiver of the district in which said real estate is situate, shall, upon payment of said purchase money, or the residue thereof, as aforesaid, make title for such real estate to the purchaser or his assignee.

The amendment was agreed to.

Mr. Foreman moved that Congress do now adjourn.

The motion was lost.

The question recurring on the engrossment of the bill as amended, the same was ordered to be engrossed for a third reading.

Mr. Waul demanded the question thereon; which was seconded.

Mr. Waul, at the instance of the State of Texas, moved to reconsider the vote by which the question was seconded.

On motion of Mr. Curry,

Congress then adjourned until to-morrow morning, 11 o'clock.

## SIXTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 12, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Burrows.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session.

Mr. Monroe introduced

A bill to prescribe the mode of selecting and summoning jurors and for the formation of juries in the Confederate courts; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Harris of Mississippi introduced

A bill supplemental to an act to put in operation the Government under the permanent Constitution of the Confederate States of America, approved May 21, 1861; which was read first and second times, engrossed, read a third time, and passed.

Mr. Vest introduced

A bill to aid the State of Missouri, and for other purposes; which was read first and second times and referred to the Committee on Finance.

Mr. Vest moved to suspend the regular order of business to take up from the table for consideration

A bill supplementary to and amendatory of an act for the relief of the State of Missouri.

The motion was agreed to.

And Congress having proceeded to the consideration of the same,

Mr. Vest moved to amend by striking out the whole of the original bill and substituting in lieu thereof the following, to wit:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury is hereby directed to issue to the State of Missouri, upon the application of the fund commissioners for said State, one million dollars in Treasury notes, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the legislature of said State, entitled "An act to provide for the defense of the State of Missouri, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for advances made for military purposes are adjusted, as Congress may direct.

SEC. 2. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States, the sum hereby advanced shall be deducted from the amount found due to said State.

Mr. Barnwell moved to refer the bill and the amendment thereto to the Committee on Finance.

The motion was lost.

And the question being on agreeing to the amendment of Mr. Vest, the vote was taken thereon and the same was agreed to.

And the bill as amended was engrossed, read a third time, and passed.

And on motion of Mr. Vest, the title to the bill was amended by striking out the whole of the same and inserting in lieu thereof the words: "An act for the relief of the State of Missouri."



Mr. Venable offered some resolutions relative to amendments to the Provisional Constitution; which were read and laid on the table.

Mr. Barnwell moved to take up from the Calendar for consideration

A bill to make appropriations for the expenses of Government in the legislative, executive, and judicial departments from the 18th of February to the 1st of April, 1862.

The motion was agreed to.

And Congress having proceeded to the consideration of the bill, Mr. Barnwell, from the Committee on Finance, moved to amend by adding at the end of the same the following, to wit:

For bounty of \$50 to each noncommissioned officer, musician, and private who may enlist for three years, or during the war, on the basis that 100,000 men will enlist will require the sum of .....	\$5, 000, 000
For the transportation of the above men from the place of enlistment to the army in the field .....	1, 000, 000
Total required .....	6, 000, 000

The amendment was agreed to.

Mr. Macfarland moved to amend by striking out the following words, to wit: "For transmission of the funds of the Confederate States, one hundred thousand dollars."

The amendment was not agreed to.

And the bill as amended was engrossed, read a third time, and passed.

And the title to the same, on motion of Mr. Barnwell, was amended by adding thereto the words "and for other purposes."

Mr. McRae introduced

A bill to establish a volunteer navy;

which was read first and second times, placed on the Calendar, and ordered to be printed.

On motion of Mr. House,

A bill to create an officer to be styled the auditor of contracts, was made the special order after the consideration of

A bill to regulate the navigation of the Confederate States, etc.

Mr. Waul introduced

A bill to authorize the employment of cooks, to increase the rations for the Army, and for other purposes;

which was read first and second times, placed on the Calendar, and ordered to be printed.

Also, a bill to promote the efficiency of railroad transportation for the Army and army supplies of the Confederate States; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Conrad introduced

A bill to authorize and provide for the organization of the Maryland Line;

which was read first and second times and referred to the Committee on Military Affairs.

Mr. Brockenbrough, from the Committee on the Judiciary, reported

A bill to extend the provisions of an act entitled "An act authorizing the President to inflict retaliation upon the persons of prisoners," approved August 30, 1861;

which, on his motion, was placed on the Calendar, ordered to be printed, and made the special order for Saturday next.

Mr. Rhett moved to take up for consideration

A bill to regulate the navigation of the Confederate States.

The motion was lost.

And Congress proceeded to the consideration of the special order of the day; which was the consideration of an act to amend the sequestration act, etc.

And the question being upon the motion of Mr. Waul to reconsider the vote by which the call for the question was sustained,

The question being upon ordering the bill to a third reading,

The vote was taken and the motion to reconsider did not prevail.

And the bill having received its third reading and the question being on the passage of the same,

Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Chilton, Hale, and McRae. Nay: Mr. Curry.

Arkansas—Yea: Messrs. Johnson, Garland, and Watkins. Nay: Mr. Thomason.

Florida—Yea: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Messrs. Foreman and Kenan. Nay: Messrs. Toombs, Bass, and Hill.

Kentucky—Yea: Messrs. Monroe, Ford, Thomas, White, and Elliott.

Louisiana—Yea: Messrs. Perkins, De Clouet, Kenner, and Marshall. Nay: Mr. Conrad.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Conrow and Freeman. Nay: Messrs. Cooke, Vest, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, Ruffin, Venable, Morehead, Craige, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, and Memminger. Nay: Mr. Boyce.

Tennessee—Yea: Mr. House. Nay: Messrs. Jones and Thomas.

Texas—Yea: Messrs. Waul and Oldham. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Pryor, Scott, Boteler, and Brockenbrough. Nay: Messrs. Hunter, Russell, and Johnston.

Yea: Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 10.

Nay: Georgia, Missouri, and Tennessee, 3.

So the bill was passed.

Mr. Brooke moved to reconsider the vote just taken.

The motion was lost.

Mr. Perkins moved to take up from the Calendar for consideration A bill to prohibit the importation of articles the production or manufacture of the United States.

The motion was agreed to.

Mr. Barnwell, by unanimous consent, reported from the Committee on Finance and recommended the passage of

A bill to pay interest due the Choctaw Nation upon stocks of the State of Virginia.

The bill was read first and second times, engrossed, read a third time, and passed.

Mr. Smith of Alabama introduced

A bill appropriating the sum of \$1,110.22 for the relief of the Mobile and Great Northern Railroad Company, being the difference between 15 and 24 per cent duty on railroad iron paid at Pensacola, May, 1861.

which was read first and second times, engrossed, read a third time, and passed.

Mr. Conrad, by general consent, moved to take up from the Calendar for consideration

A bill to provide for the education of midshipmen in the Navy.

The motion was agreed to.

And Congress having proceeded to the consideration of the same,

Mr. Oldham moved to postpone the further consideration of the same.

Upon which Mr. Conrad, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded; which areas follows, to wit:

Alabama—Yea: Messrs. Smith, Curry, Chilton, and Hale. Nay: Mr. McRae.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins.

Florida—Yea: Mr. Owens. Nay: Mr. Sanderson.

Georgia—Yea: Messrs. Toombs, Foreman, Bass, Wright, and Kenan.

Kentucky—Yea: Mr. Ford. Nay: Messrs. Monroe and Elliott.

Louisiana—Nay: Messrs. Perkins and Conrad.

Mississippi—Yea: Messrs. Brooke, Harrison, and Campbell.

Missouri—Nay: Messrs. Conrow and Vest.

North Carolina—Nay: Messrs. Avery, Ruffin, and Davidson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Memminger, and Boyce.

Tennessee—Nay: Messrs. House, Jones, and Thomas.

Texas—Yea: Messrs. Waul and Oldham. Nay: Mr. Ochiltree.

Virginia—Yea: Messrs. Macfarland, Boteler, Russell, and Johnston.

Nay: Messrs. Seddon and Brockenbrough.

Yea: Alabama, Arkansas, Georgia, Mississippi, South Carolina, Texas, and Virginia, 7.

Nay: Kentucky, Louisiana, Missouri, North Carolina, and Tennessee, 5.

Divided: Florida, 1.

So the motion prevailed.

Congress then proceeded to the consideration of the bill to prohibit the importation, etc.

And the first section of the same being under consideration, to which an amendment offered by Mr. Reagan was pending; which was to add to end thereof the following words, to wit:

*And provided further*, That such articles as may be ordered by any of the Departments of Government shall be exempted from the provisions of this act.

The vote was taken thereon and the same was agreed to.

Mr. Perkins moved to amend by striking out the words "first of September" and inserting in lieu thereof the words "twenty-second of February."

The amendment was agreed to.

Mr. Conrow moved to amend by striking out the words "Kentucky and Missouri."

The amendment was agreed to.

Mr. Kenner moved to amend by striking out the words "until it shall otherwise be provided by law."

Mr. Hale moved to postpone the further consideration of the bill and amendments until the 22d of February.

And upon which Mr. Perkins, at the instance of the State of Louisiana, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Hale, and McRae.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Sanderson and Owens.

Georgia—Yea: Messrs. Foreman, Bass, Wright, and Kenan.

Louisiana—Yea: Messrs. Conrad and Kenner. Nay: Messrs. Perkins, De Clouet, and Marshall.

Mississippi—Yea: Messrs. Bradford, Harrison, and Campbell. Nay: Mr. Brooke.

Missouri—Yea: Messrs. Vest and Freeman. Nay: Mr. Conrow.

North Carolina—Yea: Messrs. Davis, Avery, Morehead, and Davidson.

South Carolina—Yea: Mr. Memminger. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Messrs. House, Jones, and Currin.

Texas—Yea: Mr. Maul.

Virginia—Yea: Messrs. Hunter, Macfarland, Rives, Scott, Brockenbrough, and Johnston. Nay: Mr. Seddon.

Yea: Alabama, Arkansas, Florida, Georgia, Mississippi, Missouri, North Carolina, Tennessee, Texas, and Virginia, 10.

Nay: Louisiana and South Carolina, 2.

Not voting: Kentucky, 1.

So the motion to postpone prevailed.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Maul moved that Congress proceed to the consideration of the bills vetoed by the President.

Mr. Johnson of Arkansas moved to further postpone the consideration of the same.

The motion to postpone was lost.

And the question being upon agreeing to the motion of Mr. Maul, the vote was taken and the same was agreed to.

And the question

Shall the bill to encourage the manufacture of small arms, gunpowder, and saltpeter within the Confederate States pass, notwithstanding the veto of the President?

The yeas and nays of the whole body were recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Hale, and McRae. Nay: Messrs. Curry and Chilton.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Mr. Bass. Nay: Messrs. Foreman, Crawford, Wright, and Kenan.

Kentucky—Yea: Messrs. Monroe and Ford.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, and Marshall.

Mississippi—Yea: Mr. Harris. Nay: Messrs. Bradford, Harrison, and Campbell.

Missouri—Yea: Mr. Vest. Nay: Messrs. Cooke, Conrow, and Freeman.

North Carolina—Yea: Mr. Davis. Nay: Messrs. Avery, Venable, Morehead, and Davidson.



South Carolina—Yea: Messrs. Rhett, Barnwell, and Boyce. Nay: Mr. Memminger.

Tennessee—Yea: Mr. Jones. Nay: Mr. House.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Waul and Oldham.

Virginia—Yea: Messrs. Macfarland, Rives, and Scott. Nay: Messrs. Seddon, Hunter, Brockenbrough, Russell, and Johnston.

Yea: Alabama and South Carolina, 2.

Nay: Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Texas, and Virginia, 10.

Divided: Tennessee, 1.

So the bill was lost.

And, a bill to authorize the Secretary of War to receive into the service of the Confederate States a regiment of volunteers for the defense of the frontier of Texas, being under consideration,

And the question being,

Shall the bill pass, notwithstanding the veto of the President?

The yeas and nays of the whole body were recorded thereon; which are as follows, to wit:

Alabama—Yea: Mr. Hale. Nay: Messrs. Smith, Curry, Chilton, and McRae.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Mr. Owens.

Georgia—Yea: Mr. Foreman. Nay: Messrs. Crawford, Bass, Wright, and Kenan.

Kentucky—Yea: Mr. Ford. Nay: Mr. Monroe.

Louisiana—Nay: Messrs. De Clouet, Kenner, and Marshall.

Mississippi—Yea: Mr. Bradford. Nay: Messrs. Harris, Harrison, and Campbell.

Missouri—Yea: Messrs. Peyton, Cooke, Conrow, Vest, and Freeman.

North Carolina—Nay: Messrs. Davis, Avery, Venable, Morehead, and Davidson.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Barnwell, Memminger, and Boyce.

Tennessee—Nay: Messrs. House, Jones, Thomas, and Currin.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Nay: Messrs. Seddon, Hunter, Macfarland, and Rives.

Yea: Florida, Missouri, and Texas, 3.

Nay: Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, 9.

Divided: Kentucky, 1.

So the bill was lost.

On motion of Mr. Vest, the further consideration of the bill to provide for raising and organizing, in the State of Missouri, additional forces for the Provisional Army of the Confederate States was postponed.

And, on motion of Mr. Crawford, the further consideration of a bill to provide for granting furloughs in certain cases was postponed.

Mr. Rhett moved that the message of the President in relation to

A bill to provide for raising and organizing, in the State of Missouri, additional troops for the Provisional Army of the Confederate States

be referred to the Committee on the Judiciary, with instructions to report a bill for the repeal of the same.

The motion was agreed to.

Mr. Avery moved to take up from the Calendar

A bill to provide for the construction of a railroad from Selma, Ala., to Meridian, Miss.

Upon which Mr. Hale, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Smith, Chilton, and Hale. Nay: Mr. Curry.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Nay: Messrs. Morton and Owens.

Georgia—Yea: Mr. Kenan. Nay: Messrs. Toombs, Foreman, Crawford, Bass, and Hill.

Kentucky—Yea: Mr. Monroe. Nay: Mr. Ford.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Harris, Bradford, and Harrison. Nay: Mr. Brooke.

Missouri—Yea: Mr. Freeman. Nay: Messrs. Conrow and Vest.

North Carolina—Yea: Messrs. Davis, Avery, Venable, Morehead, and Davidson.

South Carolina—Nay: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Yea: Mr. Jones. Nay: Messrs. House and De Witt.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Waul and Oldham.

Virginia—Yea: Messrs. Seddon, Macfarland, Scott, and Brockenbrough.

Yea: Alabama, Louisiana, Mississippi, North Carolina, and Virginia, 5.

Nay: Arkansas, Florida, Georgia, Missouri, South Carolina, Tennessee, and Texas, 7.

Divided: Kentucky, 1.

So the motion was lost.

On motion of Mr. Venable, Congress resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

And, on motion of Mr. Crawford,

Adjourned until 11 o'clock a. m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented the following communication from the President:

RICHMOND, *February 12, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

#### CORPS OF ENGINEERS.

##### *Captains.*

I. M. St. John, of Georgia; J. M. Wampler, of Maryland; J. T. Champneys, of Mississippi; W. B. Thompson, of North Carolina; Thomas J. Mackey, of South Carolina; W. L. Pickett, of Virginia; R. H. Fitzhugh, of Virginia; S. W. Pressman, of Virginia; Leon J. Frémaux, of Louisiana; Edmund H. Cummins, of Maryland;

Powhatan Robinson, of Mississippi; A. L. Rives, of Virginia; E. T. D. Myers, of Virginia; John J. Clarke, of Virginia; D. B. Harris, of Virginia; James Nocquet, of France.

*First lieutenants.*

Francis Herbst, of Alabama; Charles T. Liernur, of Alabama; John L. Tilghman, of Maryland; R. T. Harper, of South Carolina; J. W. Gregorie, of South Carolina; Charles S. Venable, of South Carolina; John B. Harvie, of Virginia; E. E. Mason, of Virginia; Frederick Y. Dabney, of Mississippi; J. K. Boswell, of Alabama; Duncan G. Campbell, of Louisiana; J. C. Winder, of North Carolina; Oscar Hinrichs, of North Carolina; Charles H. Dimmock, of Virginia; Conway R. Howard, of Virginia; H. T. Douglas, of Virginia; C. T. Mason, of Virginia.

*Second lieutenants.*

P. W. O. Koerner, of Florida; G. Thomas Cox, of Maryland; L. A. Dade, of Virginia; Thomas C. Kinney, of Virginia; A. B. de Saulles, of Louisiana; James D. Thomas, of Tennessee; W. W. Ferguson, of Tennessee.

The nominations were referred to the Committee on Military Affairs.

The following communication was received from the President:

RICHMOND, February 12, 1862.

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

*To be brigadier-generals.*

Howell Cobb, of Georgia, and George W. Randolph, of Virginia.

On motion, Howell Cobb and George W. Randolph were confirmed brigadier-generals in the Provisional Army of the Confederate States.

Congress then took up the nomination of Maj. Gen. George B. Crittenden.

Mr. Waul moved that the consideration of the same be postponed until Monday next.

The motion was agreed to.

Congress then proceeded to consider the nomination of Lucius B. Northrop, which was laid on the table on the 28th January.

Mr. Smith of Alabama demanded the yeas and nays thereon; which were ordered, and the same are recorded as follows, viz:

Yeas: Messrs. Curry, Chilton, Hale, and McRae, of Alabama; Messrs. Johnson, Thomason, Garland, and Watkins, of Arkansas; Messrs. Morton and Sanderson, of Florida; Messrs. Toombs, Foreman, Crawford, Bass, Kenan, and Hill, of Georgia; Mr. Monroe of Kentucky; Messrs. Perkins, De Clouet, Kenner, and Marshall, of Louisiana; Messrs. Harris, Brooke, Bradford, and Harrison, of Mississippi; Messrs. Conrow, Vest, and Freeman, of Missouri; Messrs. Davis, Venable, Morehead, and Davidson, of North Carolina; Mr. Barnwell of South Carolina; Messrs. Jones, Thomas, and Currin, of Tennessee; Messrs. Reagan, Waul, Oldham, and Ochiltree, of Texas; Mr. Seddon of Virginia; Messrs. Macfarland, Scott, and Brockenbrough, of Virginia.

Nays: Mr. Smith of Alabama, Mr. Conrad of Louisiana, and Mr. De Witt of Tennessee.

So Congress advised and consented to the confirmation of Lucius B. Northrop, of South Carolina, as Commissary-General of the Army of the Confederate States.

Congress then resolved itself into legislative session.

## SIXTY-NINTH DAY—THURSDAY, FEBRUARY 13, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Burrows.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Mr. Venable, on his own motion, was allowed to withdraw the resolutions introduced by him relative to amendments to the Provisional Constitution.

The Chair presented a communication from the Secretary of the Treasury in response to a resolution of inquiry of the Congress relative to the purchase of cotton; which was read and laid on the table.

Mr. Harris of Mississippi moved to postpone the regular order of business, for the purpose of taking up for consideration his motion to reconsider the vote on the passage of

A bill to provide for an increase in the Quartermaster and Commissary Departments.

The motion to postpone was agreed to.

And the question being upon the motion to reconsider, the vote was taken and the motion prevailed.

Mr. Harris then moved to reconsider the vote on the engrossment of the bill.

The motion prevailed.

Mr. Harris then moved to reconsider the vote by which the amendment by way of substitute to the bill was adopted.

And the question being on agreeing to the substitute, the vote was taken and the amendment was lost.

The bill was then engrossed and read a third time;

When,

Mr. Toombs moved to lay the bill on the table.

The motion was lost.

And the question being on the passage of the same,

Mr. Toombs, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Messrs. Smith and Curry.

Arkansas—Yea: Mr. Watkins.

Florida—Yea: Messrs. Morton and Sanderson. Nay: Mr. Owens.

Georgia—Yea: Messrs. Wright and Kenan. Nay: Messrs. Toombs, Foreman, Crawford, Bass, Hill, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, and Ford.

Louisiana—Yea: Messrs. Perkins and Kenner.

Mississippi—Yea: Messrs. Harris, Brooke, Bradford, and Harrison.

Missouri—Yea: Messrs. Cooke, Harris, Conrow, Vest, and Freeman.

North Carolina—Yea: Messrs. Davis, Avery, Venable, and Davidson.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Messrs. House, Jones, Thomas, and Currin.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree.



Virginia—Yea: Messrs. Seddon, Pryor, Scott, Brockenbrough, and Johnston. Nay: Mr. Macfarland.

Yea: Arkansas, Florida, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Tennessee, Texas, and Virginia, 10.

Nay: Georgia and South Carolina, 2.

Divided: Alabama, 1.

So the bill was passed.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to organize the clerical force of the Treasury Department;

An act to transfer the county of Attala, in the State of Mississippi, from the northern to the southern judicial district of the State of Mississippi; and

An act to pay interest due the Choctaw Nation upon stocks of the State of Virginia.

Mr. Waul introduced

A bill to organize transport trains for the Army of the Confederate States;

which was read first and second times and placed on the Calendar.

Mr. Avery, from the Committee on Military Affairs, reported adversely to a bill to call forth the militia to repel invasion, asked to be discharged from its further consideration, and that the bill lie on the table.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President on Tuesday, the 11th instant, approved and signed

An act to provide for the compensation of G. H. Oury, Delegate from Arizona, for his attendance at this session of Congress.

The morning hour having expired,

Mr. Kenan moved to suspend the consideration of the special order of the day, for the purpose of considering the report of the Military Committee.

The motion to postpone was agreed to.

And the question being upon agreeing to the report of the Military Committee,

Mr. Toombs, at the instance of the State of Georgia, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Chilton and Hale. Nay: Mr. Curry.

Arkansas—Yea: Messrs. Thomason and Garland. Nay: Messrs. Johnson and Watkins.

Florida—Yea: Mr. Sanderson. Nay: Mr. Owens.

Georgia—Yea: Mr. Kenan. Nay: Messrs. Toombs, Foreman, Crawford, Bass, Hill, Wright, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, Ford, Thomas, and White. Nay: Mr. Elliott.

Louisiana—Yea: Messrs. De Clouet and Conrad. Nay: Mr. Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, and Harrison. Nay: Mr. Bradford.

Missouri—Yea: Mr. Conrow. Nay: Messrs. Peyton, Cooke, Harris, Vest, and Bell.

North Carolina—Yea: Messrs. Avery and Ruffin. Nay: Messrs. Davis and Davidson.

South Carolina—Yea: Messrs. Barnwell and Memminger. Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Messrs. House, Jones, and Thomas.

Texas—Yea: Messrs. Wigfall, Reagan, Waul, and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Scott and Brockenbrough. Nay: Messrs. Macfarland, Rives, and Russell.

Yea: Kentucky, Louisiana, Mississippi, Tennessee, and Texas, 5.

Nay: Georgia, Missouri, and Virginia, 3.

Divided: Alabama, Arkansas, Florida, North Carolina, and South Carolina, 5.

So the Congress refused to agree to the report.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to alter and amend an act entitled "An act for the sequestration of the estates, property, and effects of alien enemies, and for indemnity of citizens of the Confederate States and persons aiding the same in the existing war with the United States," approved August 30, 1861.

Mr. Memminger offered

A resolution in relation to payment to disbursing clerk of appropriation for removal of the seat of government; which was read first and second times, engrossed, read a third time, and passed.

Mr. Kenan moved that Congress proceed to the consideration of the remaining bills vetoed by the President.

Mr. Crawford moved to further postpone the consideration of the same.

The motion to postpone prevailed.

And, on motion of Mr. Kenan,

Congress adjourned until 11 o'clock a. m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The following message was received from the President, making the following nominations in the Provisional Army of the Confederate States:

RICHMOND, *February 12, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

*Brigadier-general.*

J. L. Hogg, of Texas, to rank from date of confirmation.

#### TWENTY-FIRST MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Benjamin G. Humphreys, of Mississippi, to take rank September 11, 1861.

*Lieutenant-colonel.*

W. L. Brandon, of Mississippi, to take rank July 17, 1861.

*Major.*

D. N. Moody, of Mississippi, to take rank November 2, 1861.

## FIRST TEXAS REGIMENT, PROVISIONAL ARMY

*Colonel.*

A. T. Rainey, of Texas, to take rank January 2, 1862.

*Lieutenant-colonel.*

H. H. Black, of Texas, to take rank January 2, 1862.

*Major.*

A. G. Clopton, of Texas, to take rank January 2, 1862.

## FIRST ARKANSAS CAVALRY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Thomas J. Churchill, of Arkansas, to take rank June 9, 1861.

*Lieutenant-colonel.*

Charles H. Matlock, of Arkansas, to take rank June 9, 1861.

*Major.*

Robert W. Harper, of Arkansas, to take rank June 9, 1861.

## FIRST ALABAMA ARTILLERY BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

Robert C. Forsyth, of Alabama, to rank from date of confirmation.

## EIGHTH TEXAS CAVALRY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

John A. Wharton, of Texas, to take rank January 13, 1862.

*Lieutenant-colonel.*

J. G. Walker, of Texas, to take rank January 8, 1862.

*Major.*

Thomas Harrison, of Texas, to take rank September 7, 1861.

## TWENTY-FIRST LOUISIANA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

M. L. Smith, of ———, to take rank January 30, 1862.

*Lieutenant-colonel.*

Edward Higgins, of Louisiana, to take rank January 30, 1862.

*Major.*

Edward Ivy, of Louisiana, to take rank January 30, 1862.

## JEFF. DAVIS LEGION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

William T. Martin, of Mississippi, to rank from confirmation.

*Major.*

William M. Stone, of ———, to rank from confirmation.

## TWENTY-SEVENTH MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Lieutenant-colonel.*

James L. Autry, of Mississippi, to take rank from confirmation.

*Major.*

George H. Lipscomb, of Mississippi, to take rank from confirmation.

## FIFTH ARKANSAS BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

Francis A. Terry, of Arkansas, to rank from November 30, 1861.

## SEVENTH ARKANSAS BATTALION, PROVISIONAL ARMY.

*Major.*

F. W. Desha, of Arkansas, to take rank October 25, 1861.

## EIGHTH GEORGIA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

C. A. L. Lamar, of Georgia, to take rank November 2, 1861.

*Major.*

John H. Lamar, of Georgia, to take rank January 30, 1862.

## FIFTH KENTUCKY REGIMENT, PROVISIONAL ARMY.

*Major.*

John W. Caldwell, of Kentucky, to take rank January 29, 1862.

## EIGHTH VIRGINIA BATTALION, PROVISIONAL ARMY.

*Major.*

C. B. Duffield, of Virginia, to take rank August 13, 1861.

*Brigade commissaries, with the rank of major.*

Philip M. Slaughter, of Louisiana; James W. Lyon, of Maryland; W. N. R. Beall, of Arkansas; H. C. Guerin, of South Carolina.

*Assistant commissaries, with the rank of captain.*

Spencer B. Scott, of Texas; John A. Gibson, of North Carolina; Eli H. Miller, of North Carolina; J. E. Green, of Tennessee; W. J. Bryant, of Mississippi; Ewing Litteral, of Virginia; Paul Pritchard, of South Carolina; John A. Stanly, of North Carolina; J. M. Pettigrew, of Arkansas; G. W. Alderson, of Virginia; James L. Eames, of Virginia; Thomas Beggs, of South Carolina; R. H. Williamson, of ———; D. R. Hawkins, of Tennessee; Alexander H. Mason, of Virginia.

*Brigade quartermasters, with the rank of major.*

John Claiborne, of Louisiana; Alphonse Cazabat, of Louisiana; Thomas L. Brown, of Virginia; J. G. Finnie, of Tennessee; John B. Burton, of ———.

*Assistant quartermasters, with the rank of captain.*

John A. Winbry, of Texas; William Hendrix, of Alabama; A. S. Garnett, of Virginia; Ransom B. Moon, of Virginia; C. L. Goodwin, of South Carolina; R. W. Sanders, of Louisiana; James L. Cole, of Virginia; George Taylor, of Arkansas; J. D. Cameron, of Georgia; W. W. Paine, of Georgia; J. C. Brannon, of Tennessee; A. Bobet, of Louisiana; W. J. Everett, of North Carolina; E. Pinkney Hill, of Texas; R. Steagall, of North Carolina.



*Chaplains.*

R. J. Walker, of Tennessee; George E. Eagleton, of Tennessee; J. H. Jordan, of Louisiana; F. M. Latta, of Arkansas; James S. Ervin, of North Carolina; R. B. Alston, of South Carolina; J. W. P. McKenzie, of Texas; W. G. L. Quaite, of Arkansas.

## ADJUTANT-GENERAL'S DEPARTMENT.

*Major.*

Alexander M. Haskell, of South Carolina, to take rank January 28, 1862.

*Captains.*

James G. Martin, of Tennessee, to take rank January 28, 1862; Thomas W. Preston, of Tennessee, to take rank January 31, 1862; W. A. Harris, of Virginia, to take rank January 31, 1862; F. A. Reynolds, of Virginia, to take rank November 9, 1861; Edward W. Hull, of Georgia, to take rank February 3, 1862.

*Lieutenant-colonel.*

[Samuel A. Roberts, of Texas, to take rank February 3, 1862.

*Aids-de-camp, with the rank of first lieutenant.*

Samuel Donelson, of Tennessee, to take rank January 10, 1862; C. T. Quintard, of Tennessee, to take rank January 10, 1862; Stockton Heth, of Virginia, to take rank January 23, 1862; William E. Cannady, of North Carolina, to take rank January 30, 1862; John G. Meem, of ———, to take rank February 3, 1862.

*Adjutants, with the rank of first lieutenant.*

James W. Batter, of Arkansas, to take rank June 9, 1861; A. McGoodwin, of Kentucky, to take rank January 28, 1862; J. H. Ware, of Georgia, to take rank January 28, 1862; Edward C. Hill, of Virginia, to take rank January 22, 1862; Edward Warburg, of Louisiana, to take rank January 31, 1862; Alfred T. Pettit, of Virginia, to take rank January 31, 1862; E. A. Miller, of Mississippi, to take rank January 31, 1862; Joseph W. Holden, of North Carolina, to take rank January 14, 1862.

Congress advised and consented to the confirmation of said nominations.

The Chair laid before Congress the following communication from the President:

RICHMOND, *February 1, 1862.*

*To the Congress of the Confederate States:*

I nominate J. B. Kershaw, of South Carolina, to be a brigadier-general, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

On motion of Mr. Rhett of South Carolina,

Congress advised and consented to the said nomination.

Mr. Conrad, from the Committee on Naval Affairs, to which had been referred the nominations of the President of January 25, reported the same back and recommended their confirmation; which was agreed to, Congress advising and consenting to the same.

Mr. Conrad, from the same committee, to which was referred the nomination of James K. Harwood, of Maryland, to be a paymaster in the Navy, reported the same back and recommended his confirmation; which was agreed to.

The Chair laid before Congress the following communication from the President:

RICHMOND, *February 13, 1862.*

*To the President of the Congress of the Confederate States of America:*

I nominate the officers named in the annexed letter of the Secretary of the Navy for promotion, agreeably to his recommendation.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, NAVY DEPARTMENT,  
*Richmond, February 13, 1862.*

The PRESIDENT.

SIR: I have the honor to recommend the following nominations for promotion in the Marine Corps of the Confederate States:

*First lieutenants.*

Second Lieut. David G. Raney, of Florida, vice First Lieut. Henry L. Ingraham, resigned, to rank as such from the 22d day of November, 1861.

Second Lieut. James R. Y. Fendall, of the District of Columbia, vice First Lieut. Henry B. Tyler, jr., dismissed, to rank as such from the 10th day of December, 1861.

I have the honor to be, very respectfully, your obedient servant,

S. R. MALLORY,  
*Secretary of Navy.*

The Chair also laid before Congress the following communication from the President:

RICHMOND, *February 13, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

CORPS OF ENGINEERS.

*Captains.*

I. M. St. John, of Georgia; Edmund H. Cummins, of Maryland; J. T. Champneys, of Mississippi; W. B. Thompson, of North Carolina; A. L. Rives, of Virginia; John J. Clarke, of Virginia; W. L. Pickett, of Virginia; S. W. Presstman, of Virginia; Leon J. Frémaux, of Louisiana; J. M. Wampler, of Maryland; Powhatan Robinson, of Mississippi; Thomas J. Mackey, of South Carolina; E. T. D. Myers, of Virginia; D. B. Harris, of Virginia; R. H. Fitzhugh, of Virginia; James Nocquet, of France.

which were referred to the Committee on Military Affairs.

Congress then resumed legislative session.

SEVENTIETH DAY—FRIDAY, FEBRUARY 14, 1862.

OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Burrows.

Mr. Monroe announced the presence of G. W. Ewing, a Delegate-elect from the State of Kentucky, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session.

SECRET SESSION.

Congress being in secret session,

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President on yesterday approved and signed

An act to organize the clerical force of the Treasury Department:

An act to transfer the county of Attala, in the State of Mississippi, from the northern to the southern judicial district of the State of Mississippi; and

An act to pay interest due the Choctaw Nation upon stocks of the State of Virginia.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

The Chair presented certain estimates from the Postmaster-General; which were read and laid on the table.

Mr. Morton introduced

A bill to compensate Dillon Jordan and F. Glackmeyer for services rendered the Government; which was read first and second times, engrossed, read a third time, and passed.

Mr. Brooke, at the instance of Mr. Campbell, withdrew the motion of the latter gentleman to reconsider the vote on the passage of a resolution appointing Captain Maury and Professors Bledsoe and Smith to prepare a system of weights, measures, and coins for the Confederate Congress.

Mr. Sanderson, from the Committee on Military Affairs, reported and recommended the passage of

A bill to aid in the construction of a road to connect the Pensacola and Georgia road with the Savannah, Albany and Gulf road; which was read first and second times, and the question being upon ordering the bill to be engrossed for a third reading, Mr. Sanderson, at the instance of the State of Florida, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Nay: Messrs. Curry and Chilton.

Arkansas—Yea: Mr. Johnson. Nay: Mr. Watkins.

Florida—Yea: Messrs. Morton, Sanderson, and Owens.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Wright, Kenan, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, Ford, Thomas, White, Elliott, and Ewing.

Louisiana—Nay: Messrs. Perkins, De Clouet, Kenner, and Marshall.

Mississippi—Nay: Mr. Brooke.

Missouri—Yea: Messrs. Clark, Cooke, Conrow, and Freeman.

North Carolina—Yea: Messrs. Avery and Davidson. Nay: Messrs. Davis, Ruffin, and Craige.

South Carolina—Nay: Messrs. Rhett, Barnwell, and Boyce.

Tennessee—Nay: Mr. Currin.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Waul and Oldham.

Virginia—Yea: Messrs. Seddon and Russell. Nay: Messrs. Pryor and Boccock.

Yea: Florida, Kentucky, and Missouri, 3.

Nay: Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, 8.

Divided: Arkansas and Virginia, 2.

So the Congress refused to order the bill to be engrossed for a third reading.

Mr. Pryor, from the same committee, reported

A bill to continue in office the major and brigadier generals of the Provisional Army; which was read first and second times, placed on the Calendar, and ordered to be printed.

Mr. Pryor, from the same committee, to whom was referred

A bill to fix the rank of certain officers, reported the same back, with the recommendation that it pass.

The bill was engrossed, read third time, and passed.

Mr. Hale, from the same committee, reported back and recommended the passage of

A bill to authorize and to provide for the organization of the Maryland Line.

The bill was engrossed, read a third time, and passed.

Mr. De Clouet, from the Committee on Accounts, reported back as examined and approved the estimates of the Secretary of Congress and sundry accounts, asked to be discharged from their further consideration, etc.; which was agreed to.

Mr. Chilton, from the Committee on Postal Affairs, to whom was referred

A resolution instructing the committee to inquire into the propriety of giving extra compensation to postmasters whose offices are in the vicinity of the camps, reported the same back, asked to be discharged from its further consideration, and that the resolution lie on the table; which was agreed to.

Mr. Chilton, from the same committee, to whom was referred the petition of sundry citizens of North Carolina in behalf of Moore Martin, a mail contractor of that State, reported the same back, asked to be discharged from its further consideration, and that the petition lie on the table; which was agreed to.

Mr. Chilton offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That this Congress do adjourn on Monday, the seventeenth of February, eighteen hundred and sixty-two, at twelve o'clock meridian, sine die.

Mr. Crawford moved that the further consideration of the business of the morning hour be postponed, for the purpose of taking up and considering

A bill to admit duty free all goods, wares, and merchandise imported into the Confederate States for a limited period, except such as may be brought from the United States of America.

Mr. Chilton moved to lay the motion of Mr. Crawford on the table.

Upon which Mr. Rhett, at the instance of the State of South Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, Hale, and McRae.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Nay: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Messrs. Toombs, Hill, and Wright. Nay: Messrs. Foreman, Crawford, Bass, Kenan, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, Ford, Thomas, White, Elliott, and Ewing.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Clark, Peyton, Harris, Conrow, and Freeman. Nay: Messrs. Cooke and Vest.

North Carolina—Yea: Messrs. Davis, Avery, Morehead, and Davidson. Nay: Messrs. Ruffin and Craige.

South Carolina—Yea: Messrs. Barnwell and Memminger. Nay: Mr. Rhett.

Tennessee—Nay: Mr. Currin.



Texas—Yea: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Hunter, Macfarland, Scott, Brockenbrough, Russell, and Johnston. Nay: Messrs. Pryor and Bocoek.

Yea: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Virginia, 9.

Nay: Florida, Georgia, Tennessee, and Texas, 4.

So the motion to lay on the table prevailed.

Mr. Kenner moved to postpone the further call of the States, for the purpose of taking up for consideration

A bill to provide for the connection of the railroad from Selma, Ala., to Meridian, Miss.

The motion was agreed to, and the question being upon the engrossment of the bill,

Mr. Rhett, at the instance of the State of South Carolina, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Mr. Curry.

Arkansas—Yea: Mr. Johnson. Nay: Messrs. Thomason and Watkins.

Florida—Yea: Mr. Sanderson. Nay: Mr. Owens.

Georgia—Nay: Messrs. Foreman, Bass, Wright, and Stephens.

Kentucky—Yea: Messrs. Monroe, Ford, Thomas, White, and Ewing.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Clark, Harris, Conrow, Vest, Freeman, and Bell. Nay: Mr. Peyton.

North Carolina—Yea: Messrs. Davis, Avery, Venable, Morehead, and Davidson. Nay: Messrs. Ruffin and Craige.

South Carolina—Yea: Messrs. Menninger and Boyce. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Mr. Currin.

Texas—Yea: Messrs. Wigfall, Waul, and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Bocoek, Scott, Brockenbrough, and Johnston. Nay: Mr. Pryor.

Yea: Alabama, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Texas, and Virginia, 8.

Nay: Arkansas and Georgia, 2.

Divided: Florida, South Carolina, and Tennessee, 3.

So the bill was engrossed, read a third time, and the question being on the passage of the same, Mr. Curry, at the instance of the State of Alabama, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Hale and McRae. Nay: Messrs. Curry and Chilton.

Arkansas—Yea: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Mr. Sanderson. Nay: Messrs. Morton and Owens.

Georgia—Nay: Messrs. Toombs, Foreman, Crawford, Bass, Wright, Kenan, and Stephens.

Kentucky—Yea: Messrs. Monroe, Thomas, Elliott, and Ewing.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Clark, Cooke, Harris, Conrow, Vest, and Freeman. Nay: Mr. Peyton.

North Carolina—Yea: Messrs. Davis, Avery, Venable, Morehead, and Davidson. Nay: Messrs. Ruffin and Craige.

South Carolina—Yea: Messrs. Memminger and Boyce. Nay: Messrs. Rhett and Barnwell.

Tennessee—Yea: Mr. Currin.

Texas—Yea: Messrs. Wigfall, Waul, and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon, Hunter, Macfarland, Bocoek, Scott, Brockenbrough, and Johnston. Nay: Mr. Pryor.

Yea: Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Tennessee, Texas, and Virginia, 9.

Nay: Florida and Georgia, 2.

Divided: Alabama and South Carolina, 2.

So the bill was passed.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to establish certain post routes therein named;

An act supplemental to an act to put in operation the Government under the permanent Constitution of the Confederate States of America, approved May 21, 1861; and

An act for the relief of the State of Missouri.

Mr. Perkins introduced

A bill relative to the collection of duty on imports during the continuance of the present war.

Mr. Curry, the morning hour having expired, called for the consideration of the special order of the day, and Mr. Perkins moved to postpone the same, for the purpose of considering the bill introduced by him.

Upon which, at the instance of the State of Louisiana, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Curry, Chilton, Hale, and McRae.

Arkansas—Nay: Messrs. Johnson, Thomason, Garland, and Watkins.

Florida—Yea: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Messrs. Foreman, Crawford, Kenan, and Stephens. Nay: Messrs. Toombs, Bass, and Wright.

Kentucky—Nay: Messrs. Monroe, Elliott, and Ewing.

Louisiana—Yea: Messrs. Perkins and Marshall. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Nay: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Clark and Vest. Nay: Messrs. Peyton, Harris, and Bell.

North Carolina—Yea: Mr. Ruffin. Nay: Messrs. Davis, Avery, Venable, Morehead, and Davidson.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Barnwell, Memminger, and Boyce.

Tennessee—Yea: Mr. Currin.

Texas—Yea: Messrs. Waul and Oldham.

Virginia—Yea: Mr. Bocoek. Nay: Messrs. Seddon, Hunter, Macfarland, Pryor, Scott, Brockenbrough, Russell, and Johnston.

Yea: Florida, Georgia, Tennessee, and Texas, 4.

Nay: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Virginia, 9.

So the motion to postpone did not prevail.

Mr. Rhett moved that Congress proceed to the consideration of the report of the Committee on Flag and Seal.

The motion was agreed to;

When,

Mr. Morton offered the following resolution, to wit:

*Resolved*, That it is proper that the decision of a flag for the permanent Government be left to the Congress under that Government about to assemble.

And the question being upon agreeing to the same,

Mr. Morton, at the instance of the State of Florida, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Chilton, Hale, and McRae. Nay: Mr. Curry.

Arkansas—Yea: Messrs. Thomason, Garland, and Watkins. Nay: Mr. Johnson.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Toombs, Foreman, Bass, Hill, Wright, and Stephens. Nay: Mr. Kenan.

Kentucky—Yea: Messrs. Monroe, Elliott, and Ewing. Nay: Messrs. Thomas and White.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Marshall. Nay: Messrs. Perkins and Kenner.

Mississippi—Yea: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Peyton, Harris, Conrow, Freeman, and Bell. Nay: Mr. Clark.

North Carolina—Yea: Messrs. Davis, Avery, Venable, Morehead, and Davidson. Nay: Mr. Ruffin.

South Carolina—Yea: Messrs. Barnwell and Memminger. Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Mr. Currin.

Texas—Yea: Mr. Maul. Nay: Messrs. Wigfall, Oldham, and Ochiltree.

Virginia—Yea: Mr. Macfarland. Nay: Messrs. Seddon, Pryor, Scott, Brockenbrough, Russell, and Johnston.

Yea: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, North Carolina, and Tennessee, 9.

Nay: Mississippi, Texas, and Virginia, 3.

Divided: South Carolina, 1.

So the resolution was adopted.

Mr. Maul offered the following resolution:

*Resolved*, That in the opinion of this Congress it is not necessary that the appointment of cadets should be with the advice and consent of Congress.

And the question being upon agreeing to the same,

Mr. Thomason, at the instance of the State of Arkansas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry and McRae. Nay: Messrs. Chilton and Hale.

Arkansas—Yea: Messrs. Johnson and Garland. Nay: Mr. Thomason.

Florida—Yea: Mr. Sanderson. Nay: Messrs. Morton and Owens.  
Georgia—Yea: Messrs. Toombs, Wright, and Stephens. Nay: Messrs. Bass and Kenan.

Kentucky—Yea: Messrs. Monroe and Thomas. Nay: Messrs. White and Ewing.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. Perkins, De Clouet, and Marshall.

Mississippi—Yea: Mr. Brooke.

Missouri—Yea: Messrs. Harris, Conrow, Vest, and Freeman. Nay: Mr. Bell.

North Carolina—Yea: Messrs. Avery, Venable, Morehead, and Davidson. Nay: Mr. Ruffin.

South Carolina—Yea: Messrs. Barnwell and Memminger. Nay: Messrs. Rhett and Boyce.

Tennessee—Yea: Mr. Currin.

Texas—Yea: Messrs. Waul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Scott, and Brockenbrough. Nay: Messrs. Russell and Johnston.

Yea: Arkansas, Georgia, Mississippi, Missouri, North Carolina, Tennessee, Texas, and Virginia, 8.

Nay: Florida and Louisiana, 2.

Divided: Alabama, Kentucky, and South Carolina, 3.

So the resolution was agreed to.

Mr. Ochiltree moved to take up for consideration from the Calendar

A bill to establish certain judicial districts, and to provide for courts of the Confederate States therein.

The motion was agreed to.

And the ninth section of the bill being under consideration, which refers to the time for holding courts,

Mr. Thomason moved to amend by striking out.

And upon which, at the instance of the State of Arkansas, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Nay: Messrs. Chilton, Hale, and McRae.

Arkansas—Yea: Mr. Thomason. Nay: Messrs. Johnson and Watkins.

Florida—Nay: Messrs. Morton, Sanderson, and Owens.

Georgia—Nay: Messrs. Foreman and Crawford.

Kentucky—Yea: Messrs. Ford and Ewing. Nay: Mr. Monroe.

Louisiana—Yea: Mr. Perkins.

Missouri—Yea: Mr. Conrow. Nay: Messrs. Harris and Freeman.

North Carolina—Nay: Messrs. Davis, Avery, Ruffin, Venable, and Morehead.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Barnwell and Memminger.

Tennessee—Nay: Mr. Currin.

Texas—Nay: Messrs. Wigfall, Waul, Oldham, and Ochiltree.

Virginia—Nay: Messrs. Seddon, Macfarland, Scott, and Brockenbrough.

Yea: Kentucky and Louisiana, 2.

Nay: Alabama, Arkansas, Florida, Georgia, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 10.

Not voting: Mississippi, 1.

So the amendment was lost.

And section 10 being under consideration, which refers to offenses cognizable in the courts,



Mr. Brockenbrough moved to amend by striking out the words "presentment or information of the district attorney" and inserting in lieu thereof the words "presentment or indictment of a grand jury."

The amendment was agreed to.

And the bill was engrossed, read a third time, and passed.

And the title to the same, on motion of Mr. Monroe, was amended by striking out the words "certain," "districts, and to provide for," and "of the Confederate States therein" and to insert in lieu thereof the words "in certain Indian Territories."

Mr. Toombs moved that Congress proceed to the consideration of

A bill to provide for raising and organizing, in the State of Missouri, additional forces for the Provisional Army of the Confederate States; which was returned to Congress with the veto of the President.

The motion was agreed to.

And the question being,

Shall the bill pass, notwithstanding the veto of the President?

The yeas and nays of the whole body were recorded thereon, and are as follows, to wit:

Alabama—Yea: Mr. Hale. Nay: Messrs. Curry, Chilton, and McRae.

Arkansas—Yea: Messrs. Johnson and Thomason.

Florida—Yea: Messrs. Morton and Owens.

Georgia—Yea: Messrs. Toombs, Bass, and Kenan. Nay: Messrs. Foreman and Crawford.

Kentucky—Yea: Mr. Monroe.

Louisiana—Yea: Messrs. Perkins, Conrad, and Kenner. Nay: Mr. Marshall.

Mississippi—Nay: Mr. Brooke.

Missouri—Yea: Messrs. Clark, Peyton, Cooke, Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Mr. Morehead. Nay: Messrs. Davis, Venable, and Davidson.

South Carolina—Yea: Mr. Rhett. Nay: Messrs. Barnwell and Memminger.

Texas—Yea: Mr. Waul. Nay: Mr. Reagan.

Virginia—Yea: Messrs. Macfarland, Bocock, Scott, Brockenbrough, and Russell. Nay: Mr. Seddon.

Yea: Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, and Virginia, 7.

Nay: Alabama, Mississippi, North Carolina, and South Carolina, 4.

Divided: Texas, 1.

Not voting: Tennessee, 1.

So the bill was lost.

Mr. Harris of Missouri moved to reconsider the vote just taken.

Mr. Curry moved to take up for consideration

A bill concerning the pay and allowances due deceased soldiers.

The motion was agreed to.

And the bill being under consideration, Mr. Hale moved to amend as follows, to wit, by striking out the words "written order of" and inserting in lieu thereof the words "upon the pay roll made out and certified by the captain."

And also to strike out "directed to said paymaster or proper officer as aforesaid, which order" and to insert in lieu thereof "which pay roll," and to strike out the word "order" and insert "pay roll."

Also, to strike out the words "name of the party entitled to such pay and allowance, and in case the order shall be given to the agent, attorney, or guardian of such person or persons, the name of such agent, attorney, or guardian, together with the," and to strike out the word "order," where it occurs again, and insert "pay roll."

The amendments were agreed to.

And the bill as amended was engrossed, read third time, and passed.

Mr. Brockenbrough moved to take up

A bill regulating the fees of clerks, and for other purposes.

The motion was lost.

Mr. Kenan moved that the Congress do now adjourn.

The motion did not prevail.

Mr. Conrad introduced

A bill to relinquish any claim on the part of the Government to any share in any prizes;

which was read first and second times, engrossed, read third time, and passed.

On motion of Mr. Toombs,

Congress adjourned until 11 o'clock a. m. to-morrow.

#### EXECUTIVE SESSION.

Congress being in executive session,

The following message was received from the President; which was read and referred to the Committee on Military Affairs:

RICHMOND, *February 14, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

#### CORPS OF INFANTRY.

##### *Second Lieutenants.*

W. G. Robinson, of North Carolina, to take rank March 16, 1861; Frank Huger, of South Carolina, to take rank March 16, 1861; Ed. B. D. Riley, of ———, to take rank March 16, 1861; Harold Borland, of Arkansas, to take rank March 16, 1861; George A. Thornton, of Virginia, to take rank March 16, 1861; Olin F. Rice, of Kentucky, to take rank March 16, 1861; John W. Lea, of Mississippi, to take rank March 16, 1861; W. H. Browne, of Virginia, to take rank March 16, 1861; George S. Lovejoy, of North Carolina, to take rank March 16, 1861; James Dearing, of Virginia, to take rank March 16, 1861; John A. West, of Georgia, to take rank March 16, 1861; Stephen A. Moreno, of Florida, to take rank March 16, 1861; Horace D. Twyman, of Virginia, to take rank March 16, 1861; Ebenezer McE. Ross, of Tennessee, to take rank March 16, 1861; J. Barroll Washington, of Maryland, to take rank March 16, 1861; Thomas P. Turner, of ———, to take rank September 21, 1861; Ed. Powell, of ———, to take rank March 18, 1861; W. H. Porter, of South Carolina, to take rank April 10, 1861; J. T. M. Barnes, of District of Columbia, to take rank April 10, 1861; Robert W. Atkinson, of Georgia, to take rank April 10, 1861; Richard C. Griffith, of Mississippi, to take rank April 10, 1861; John Birney, of Alabama, to take rank April 10, 1861; W. W. Bickell, of Alabama, to take rank April 10, 1861; W. S. Archer, of Virginia, to take rank April 10, 1861; Arthur Clayton, of Mississippi, to take rank April 15, 1861; Charles M. Hooper, of Alabama, to take rank April 17, 1861; John W. Cooper, of Alabama, to take rank April 17, 1861; John A. Keith, of South Carolina, to take rank April 20, 1861; Waller R. Bullock, of Kentucky, to take rank April 25, 1861; Charles A. Forsyth, of District of Columbia, to take rank April 26, 1861; T. W. Blount, of Texas, to take rank April 26, 1861; Thomas T. Grayson, of Mississippi, to take rank April 26, 1861; Isaac Hyams, of Louisiana, to take rank April 27, 1861; William F. Withers, of Mississippi, to take rank April 27, 1861; Robert A. Talley, of Virginia, to take rank May 18, 1861; T.

Spaulding McIntosh, of Georgia, to take rank May 18, 1861; Jesse Sparks, of Texas, to take rank May 18, 1861; Thomas Maclin, of Texas, to take rank May 18, 1861; William Kemp Tabb, of Virginia, to take rank May 18, 1861; Duncan C. Haywood, of North Carolina, to take rank May 18, 1861; John Hemphill Dickens, of Texas, to take rank May 18, 1861; George Hampton Smith, of Tennessee, to take rank May 18, 1861; M. M. Lindsey, of Mississippi, to take rank May 18, 1861; J. Hamilton Worley, of South Carolina, to take rank May 18, 1861; Alfred P. Lucas, of Georgia, to take rank May 18, 1861; Charles M. Lumpkin, of Georgia, to take rank May 18, 1861; John Lee, of Virginia, to take rank May 18, 1861; Henry S. Foote, jr., of Tennessee, to take rank May 20, 1861; W. H. Harris, of Mississippi, to take rank May 20, 1861; John S. Lanier, of Mississippi, to take rank May 20, 1861; James M. Keeble, of Tennessee, to take rank May 20, 1861; Theodore O. Chestney, of District of Columbia, to take rank May 20, 1861; James Baltzell, of Texas, to take rank May 20, 1861; H. D. Garden, of Texas, to take rank May 20, 1861; Winfield C. Worthington, of Mississippi, to take rank May 20, 1861; William A. Deas, of Virginia, to take rank May 20, 1861; Joseph D. Mayers, of Mississippi, to take rank May 20, 1861; Henry K. Washburn, of Georgia, to take rank May 20, 1861; C. Irvine Walker, of South Carolina, to take rank May 20, 1861; James G. Cowan, of Alabama, to take rank May 20, 1861; Thomas Bush, of Alabama, to take rank May 21, 1861; Philip B. Spence, of Tennessee, to take rank May 21, 1861; Henry M. Rutledge, of South Carolina, to take rank May 21, 1861; William Tyler, of Virginia, to take rank May 21, 1861; George D. Wise, of Virginia, to take rank May 22, 1861; Richard M. Booker, of Virginia, to take rank May 24, 1861; A. R. H. Ranson, of Maryland, to take rank June 8, 1861; Charles B. Campbell, of ———, to take rank June 11, 1861; Ladislav Wankowicz, of Louisiana, to take rank June 27, 1861; William K. Bradford, of Maryland, to take rank July 3, 1861; J. N. Lipscomb, of ———, to take rank July 3, 1861; S. P. Kerr, of Virginia, to take rank July 16, 1861; E. M. Dabney, of Virginia, to take rank July 16, 1861; W. H. Morgan, of Virginia, to take rank July 16, 1861; W. E. Hill, of Virginia, to take rank July 16, 1861; E. B. Goode, of Virginia, to take rank July 16, 1861; E. G. Mohler, of Virginia, to take rank July 16, 1861; B. F. Bishop, of Virginia, to take rank July 16, 1861; G. A. Henry, jr., of Tennessee, to take rank July 19, 1861; Charles H. Brown, of ———, to take rank July 19, 1861; William V. Taylor, of Virginia, to take rank July 19, 1861; Johnson Hagood, of ———, to take rank July 19, 1861; R. A. Chambers, of Georgia, to take rank July 19, 1861; Thomas K. Fauntleroy, of Virginia, to take rank July 19, 1861; John D. Payne, of ———, to take rank July 19, 1861; James M. Mason, jr., of Virginia, to take rank July 19, 1861; C. L. Jackson, of Mississippi, to take rank July 19, 1861; H. S. Duval, of ———, to take rank July 19, 1861; W. W. Revely, of ———, to take rank July 19, 1861; Lawrence L. Butler, of Louisiana, to take rank July 19, 1861; L. M. Butler, of Florida, to take rank July 19, 1861; S. F. Adams, of ———, to take rank July 19, 1861; Henry Bryan, of Virginia, to take rank September 4, 1861; Thomas J. Clay, of Kentucky, to take rank September 6, 1861; James Bowles, of Kentucky, to take rank September 9, 1861; Robert Grant, of ———, to take rank September 18, 1861; John S. Rudd, of ———, to take rank September 21, 1861; P. L. Burwell, of Virginia, to take rank September 23, 1861; R. M. Hooe, of Virginia, to take rank September 24, 1861; W. D. Lyon, of Alabama, to take rank October 2, 1861; Charles S. Morgan, of Virginia, to take rank October 5, 1861; Walter G. Turpin, of Virginia, to take rank October 7, 1861; George M. Emack, of Maryland, to take rank October 8, 1861; W. E. Cutshaw, of Virginia, to take rank October 31, 1861; E. E. Portlock, jr., of ———, to take rank November 1, 1861; W. G. Bonner, of Louisiana, to take rank November 4, 1861; John J. Clarke, of ———, to take rank November 6, 1861; C. W. McDonald, of Virginia, to take rank November 7, 1861; W. Eugene Webster, of Maryland, to take rank November 8, 1861; James M. Garnett, of ———, to take rank November 9, 1861; D. Callihan, of Louisiana, to take rank November 11, 1861; Frank Jones, of ———, to take rank November 16, 1861; J. B. Russell, of South Carolina, to take rank November 19, 1861.

The Chair presented the following message from the President, nominating officers in the Army of the Confederate States:

RICHMOND, *February 14, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

## CORPS OF ARTILLERY.

*First lieutenant.*

H. B. Lyon, of Kentucky, to take rank March 16, 1861.

*Second lieutenants.*

Nathaniel R. Chambliss, of Tennessee, to take rank March 16, 1861; Clarence Derick, of ———, to take rank March 16, 1861; William R. Jones, of Virginia, to take rank March 16, 1861; John J. Garnett, of Virginia, to take rank March 16, 1861; Paul F. Faison, of North Carolina, to take rank March 16, 1861; R. H. Logan, of Virginia, to take rank March 16, 1861; Zaddock T. Willett, of Tennessee, to take rank March 16, 1861; Alexander D. Moore, of North Carolina, to take rank March 16, 1861; William F. Niemeyer, of Virginia, to take rank March 16, 1861; James P. Parker, of Missouri, to take rank March 16, 1861; David G. White, of Maryland, to take rank March 16, 1861; George O. Watts, of Kentucky, to take rank March 16, 1861; Joseph A. Alexander, of Georgia, to take rank March 16, 1861; Willis Wilkinson, of South Carolina, to take rank April 20, 1861; Franklin B. Du Barry, of ———, to take rank April 26, 1861; L. Jaquelin Smith, of Virginia, to take rank September 28, 1861; Charles Richardson, of Virginia, to take rank October 7, 1861; Marshall McDonald, of Virginia, to take rank October 9, 1861; James A. Bryan, of North Carolina, to take rank October 12, 1861; James Ker, of Virginia, to take rank November 5, 1861; R. L. Poor, of District of Columbia, to take rank November 6, 1861; A. J. Hartley, of Texas, to take rank February 13, 1862.

## CORPS OF CAVALRY.

*First lieutenant.*

William H. Jackson, of Tennessee, to take rank March 16, 1861.

*Second lieutenants.*

Mathis W. Henry, of Kentucky, to take rank March 16, 1861; J. T. W. Hairston, of Mississippi, to take rank April 5, 1861; John Bradley, of Texas, to take rank March 30, 1861.

The nominations were referred to the Committee on Military Affairs. Congress then resumed business in legislative session.

## SEVENTY-FIRST DAY—SATURDAY, FEBRUARY 15, 1862.

## OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Brown.

Congress then resolved itself into secret session.

## SECRET SESSION.

Congress being in secret session,

Proceeded to the consideration of the unfinished business of the morning hour, which was the consideration of the bill introduced by Mr. Perkins relative to the importation of articles during the continuance of the present war;

When,

Mr. Kenner offered the following resolution:

*Resolved*, That the consideration of the subject of the collection of duties during the existence of the present war be postponed, inasmuch as it is a subject proper to be considered by the Congress under the permanent Constitution.



Upon which Mr. Ochiltree, at the instance of the State of Texas, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, Hale, and McRae.

Arkansas—Yea: Messrs. Johnson and Watkins.

Florida—Nay: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Messrs. Toombs, Hill, Wright, and Kenan. Nay: Messrs. Foreman, Crawford, Bass, and Stephens.

Kentucky—Yea: Messrs. Monroe, Johnson, Ford, Thomas, Elliott, and Ewing.

Louisiana—Yea: Messrs. Conrad and Kenner. Nay: Messrs. Perkins and Marshall.

Mississippi—Yea: Mr. Brooke.

Missouri—Yea: Messrs. Peyton, Harris, Conrow, Freeman, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, Venable, Morehead, and Davidson. Nay: Mr. Ruffin.

South Carolina—Yea: Messrs. Barnwell, Memminger, and Boyce. Nay: Mr. Rhett.

Tennessee—Nay: Mr. Currin.

Texas—Nay: Messrs. Maul, Oldham, and Ochiltree.

Virginia—Yea: Messrs. Seddon, Macfarland, Pryor, Scott, Brockenbrough, Russell, and Johnston. Nay: Mr. Bocoek.

Yea: Alabama, Arkansas, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, and Virginia, 8.

Nay: Florida, Tennessee, and Texas, 3.

Divided: Georgia and Louisiana, 2.

So the resolution was agreed to.

Mr. Harris of Missouri moved that Congress proceed to the consideration of his motion to reconsider the vote on the passage of

A bill to provide for the raising and organizing, in the State of Missouri, additional forces for the Provisional Army; which was returned with the veto of the President, and lost.

Mr. Curry rose to a point of order, viz, that the motion of Mr. Harris was out of order, the bill having already been reconsidered.

The Chair sustained the point of order, from which decision Mr. Clark appealed.

And the question being,

Shall the decision of the Chair stand as the judgment of the House?

Mr. Clark, at the instance of the State of Missouri, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, and McRae. Nay: Mr. Hale.

Arkansas—Yea: Mr. Watkins. Nay: Messrs. Johnson, Thomason, and Garland.

Florida—Nay: Messrs. Morton and Sanderson.

Georgia—Yea: Messrs. Howell Cobb, Foreman, Hill, Wright, and Kenan. Nay: Messrs. Toombs, Crawford, and Bass.

Kentucky—Yea: Messrs. Johnson, Ford, Thomas, Elliott, and Ewing. Nay: Messrs. Monroe and White.

Louisiana—Yea: Messrs. De Clouet, Kenner, and Sparrow. Nay: Messrs. Perkins, Conrad, and Marshall.

Mississippi—Nay: Messrs. Brooke and Bradford.

Missouri—Nay: Messrs. Clark, Peyton, Cooke, Harris, Conrow, Vest, Freeman, and Bell.

North Carolina—Yea: Messrs. Davis, Avery, Venable, Morehead, and Davidson.

South Carolina—Yea: Messrs. Barnwell, Memminger, and Boyce. Nay: Mr. Rhett.

Tennessee—Yea: Mr. Currin.

Texas—Yea: Messrs. Waul and Ochiltree. Nay: Mr. Oldham.

Virginia—Yea: Messrs. Seddon and Bocoek. Nay: Messrs. Macfarland, Pryor, Scott, Brockenbrough, Russell, and Johnston.

Yea: Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Texas, 7.

Nay: Arkansas, Florida, Mississippi, Missouri, and Virginia, 5.

Divided: Louisiana, 1.

So the decision of the Chair was sustained.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to establish certain post routes therein named; also

An act supplemental to an act to put in operation the Government under the permanent Constitution of the Confederate States of America, approved May 21, 1861.

The Chair presented a message from the President; which was read, and, together with the accompanying documents, ordered to be printed, and is as follows, to wit:

EXECUTIVE DEPARTMENT,  
Richmond, February 15, 1862.

*To the honorable President of the Congress:*

In response to the resolution of the Congress adopted on the 10th instant, I herewith transmit communications from all the respective Departments, except the War Department. I am informed by the Secretary of War that so great is the press of important business on his Department that he has not had time as yet to prepare the list of officers as desired, but will do so at his earliest opportunity.

JEFFERSON DAVIS.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to make appropriations for the expenses of Government in the legislative, executive, and judicial departments from the 18th February to the 1st April, 1862, and for other purposes; and

An act to compensate Dillon Jordan and F. Glackmeyer for services rendered the Government.

On motion of Mr. Pryor, Congress then proceeded to the consideration of

A bill to provide for granting furloughs in certain cases; which had been returned with the veto of the President.

And the question being,

Shall the bill pass, notwithstanding the veto of the President?

The yeas and nays of the whole body were recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry and Hale. Nay: Messrs. Chilton and McRae.

Arkansas—Yea: Messrs. Thomason and Garland. Nay: Mr. Johnson.

Florida—Yea: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Messrs. Toombs, Crawford, Bass, Hill, Wright, Kenan, and Stephens. Nay: Mr. Foreman.

Kentucky—Yea: Messrs. Monroe and Ewing. Nay: Mr. Ford.

Louisiana—Yea: Messrs. Perkins and Marshall. Nay: Messrs. De Clouet, Conrad, Kenner, and Sparrow.

Mississippi—Nay: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Clark, Cooke, Vest, and Bell. Nay: Messrs. Harris and Conrow.

North Carolina—Yea: Messrs. Avery, Ruffin, Venable, Morehead, and Davidson. Nay: Mr. Davis.

South Carolina—Yea: Messrs. Rhett and Boyce. Nay: Messrs. Barnwell and Memminger.

Tennessee—Yea: Mr. Currin.

Texas—Yea: Mr. Oldham. Nay: Messrs. Reagan, Waul, and Ochiltree.

Virginia—Yea: Messrs. Macfarland, Pryor, Bocoek, Rives, Scott, and Brockenbrough. Nay: Messrs. Seddon, Russell, and Johnston.

Yea: Arkansas, Florida, Georgia, Kentucky, Missouri, North Carolina, Tennessee, and Virginia, 8.

Nay: Louisiana, Mississippi, and Texas, 3.

Divided: Alabama and South Carolina, 2.

So the bill was lost.

Mr. Bocoek moved that a committee of three be appointed to wait on the President to inform him that Congress had resolved to adjourn on Monday at 12 m., the 17th proximo [instant], and to ascertain if he had any further communications to make to the Congress.

The motion was agreed to, and the Chair announced as the committee Messrs. Bocoek of Virginia, Sanderson of Florida, and Johnson of Arkansas.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act for the relief of the State of Missouri.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to establish judicial courts in certain Indian Territories;

An act to fix the rank of certain officers;

An act to relinquish any claim on the part of the Government to any share in certain prizes;

An act to authorize and provide for the organization of the Maryland Line;

An act appropriating the sum of \$1,110.22 for the relief of the Mobile and Great Western [Northern] Railroad Company, being the difference between 15 and 24 per cent duty on railroad iron paid at Pensacola, in May, 1861;

Resolution in relation to payment to disbursing clerk of appropriation for the removal of the seat of government; and

An act to fix the rank of certain officers.

Mr. Bocoek, from the committee appointed to wait upon the President, etc., reported that the committee had performed the duty assigned them; that the President had informed the committee that he had no further communications for the Congress, save to return with his approval and signature sundry bills passed by the Congress; that he desired through the committee to return to the Congress his acknowledgment of the wise and patriotic spirit which had marked all their legislative action, and which had greatly facilitated his efforts in the

administration of the Government, and that he tendered to the members collectively and severally his sincere wishes for their future and permanent welfare and happiness; which was agreed to.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. McRae, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to establish judicial courts in certain Indian Territories.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to make appropriations for the expenses of Government in the legislative, executive, and judicial departments from the 18th of February to the 1st of April, 1862, and for other purposes;

An act to authorize and provide for the organization of the Maryland Line;

An act to relinquish any claim on the part of the Government to any share in certain prizes;

An act to fix the rank of certain officers;

An act appropriating the sum of \$1,110.22 for the relief of the Mobile and Great Northern Railroad Company, being the difference between 15 and 24 per cent duty on railroad iron paid at Pensacola, in May, 1861; also

A resolution in relation to payment to disbursing clerk of appropriation for removal of the seat of government.

Mr. Stephens moved that when Congress adjourn to-day it adjourn to meet at 10 o'clock a. m. on Monday next.

The motion was agreed to.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for an increase of the Quartermaster and Commissary Departments;

An act concerning the pay and allowances due to deceased soldiers; and

An act to provide for the connection of the railroad from Selma, in Alabama, to Meridian, in Mississippi.

A message was received from the President, by the hands of Mr. Hooper, Secretary of the Congress, informing Congress that the President of the Confederate States has this day signed and approved the following acts:

An act to provide for an increase of the Quartermaster and Commissary Departments;

An act concerning the pay and allowances [due] to deceased soldiers;

An act to provide for the connection of the railroad from Selma, in Alabama, to Meridian, in Mississippi;

An act to compensate Dillon Jordan and F. Glackmeyer for services rendered the Government; and

An act to establish judicial courts in certain Indian Territories.

On motion of Mr. Monroe, Congress then proceeded to the consideration of the special order of the day; which was the consideration of



A bill to amend an act to authorize the President to inflict retaliation upon the persons of prisoners, approved August 30, 1861.

And the question being upon the engrossment of the bill.

Mr. Monroe, at the instance of the State of Kentucky, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, Hale, and McRae.

Arkansas—Yea: Messrs. Johnson and Garland.

Florida—Yea: Messrs. Morton, Sanderson, and Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Foreman, Crawford, Bass, and Hill.

Kentucky—Yea: Messrs. Monroe and Johnson.

Louisiana—Yea: Messrs. Perkins, De Clouet, and Kenner.

Mississippi—Yea: Messrs. Brooke and Bradford.

Missouri—Yea: Messrs. Peyton, Cooke, Conrow, Freeman, and Bell.

North Carolina—Yea: Messrs. Avery, Morehead, and Davidson.

South Carolina—Yea: Mr. Boyce.

Tennessee—Yea: Mr. Currin.

Texas—Yea: Mr. Waul.

Virginia—Yea: Messrs. Seddon, Macfarland, Pryor, Brockenbrough, Russell, and Johnston.

Yea: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 13.

So the bill was engrossed, read a third time, and passed.

Mr. Perkins, from the Committee on Printing, reported and recommended the passage of

A bill to amend an act to provide for the safe custody, printing, and publication of the laws, and to provide for the appointment of an additional clerk in the Department of Justice, approved August 5, 1861;

which was read first and second times, engrossed, read a third time, and passed.

Mr. Perkins introduced

A bill to establish a passport office;

which was read first and second times;

When,

Mr. Hill moved to postpone indefinitely the further consideration of the same.

The motion to postpone prevailed.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to alter and amend an act entitled "An act for the sequestration of the estates, property, and effects of alien enemies, and for indemnity of citizens of the Confederate States and persons aiding the same in the existing war with the United States," approved August 30, 1861.

Mr. Howell Cobb moved to take up from the table for consideration

A bill to provide for the preservation and future publication of the Journals of the Provisional Congress and the proceedings of the convention which framed the provisional and permanent Constitutions.

The motion prevailed.

And the bill was taken up, engrossed, read a third time, and passed.  
Mr. Howell Cobb introduced

A bill to authorize the lithographing of the Constitution of the Confederate States of America, with the signatures thereto, and to provide for the distribution of the same;  
which was read first and second times.

Mr. Brooke moved to amend by adding at the end of the bill the following words, to wit: "and that one copy be furnished to each member of the Provisional Congress."

The amendment was agreed to.

And the bill as amended was engrossed, read a third time, and passed.

Mr. Ochiltree moved to take up from the table for consideration

A bill to amend an act to fix the pay of the members of Congress of the Confederate States, approved March 11, 1861;  
which was agreed to.

And the bill being under consideration, Mr. Crawford moved to lay the bill on the table, and upon which motion, at the instance of the State of Georgia, he demanded that the yeas and nays of the whole body be recorded; which are as follows, to wit:

Alabama—Yea: Messrs. Curry, Chilton, and Hale. Nay: Mr. McRae.

Arkansas—Yea: Messrs. Johnson and Garland.

Florida—Yea: Messrs. Morton and Owens. Nay: Mr. Sanderson.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Foreman, Crawford, Bass, and Hill.

Kentucky—Yea: Mr. Monroe.

Louisiana—Yea: Mr. Perkins. Nay: Mr. Conrad.

Mississippi—Nay: Mr. Brooke.

Missouri—Nay: Messrs. Peyton, Cooke, Harris, Conrow, and Freeman.

North Carolina—Yea: Mr. Davis. Nay: Messrs. Avery, Morehead, and Davidson.

South Carolina—Yea: Mr. Boyce.

Tennessee—Nay: Mr. Currin.

Texas—Nay: Messrs. Waul and Ochiltree.

Virginia—Nay: Messrs. Seddon, Macfarland, Pryor, Brockenbrough, Russell, and Johnston.

Yea: Alabama, Arkansas, Florida, Georgia, Kentucky, and South Carolina, 6.

Nay: Mississippi, Missouri, North Carolina, Tennessee, Texas, and Virginia, 6.

Divided: Louisiana, 1.

So the motion to lay on the table did not prevail.

Mr. Conrad moved to amend by striking out the whole of the bill and inserting in lieu thereof the following, to wit:

An act further to define and establish the compensation of members of the Congress of the Confederate States of America, in reference to mileage.

*The Congress of the Confederate States of America do enact*, That in addition to the compensation allowed by law to members of Congress, each member for each session shall be allowed eight dollars for every twenty miles actually and necessarily traveled by other than railroad and steamboat transportation, in coming from and returning to his place of residence from the place where Congress may assemble, in lieu of the mileage now allowed over said space.

Mr. Brooke moved to lay the whole subject on the table.

The motion was lost.

And the question being upon agreeing to the amendment by way of substitute, the vote was taken and the amendment was agreed to.

And the bill was engrossed as amended, and read a third time; and the question being on the passage of the same,

Mr. Brooke, at the instance of the State of Mississippi, demanded that the yeas and nays of the whole body be recorded thereon; which are as follows, to wit:

Alabama—Yea: Messrs. Chilton and McRae. Nay: Messrs. Curry and Hale.

Arkansas—Nay: Messrs. Johnson and Garland.

Florida—Yea: Messrs. Morton and Sanderson. Nay: Mr. Owens.

Georgia—Yea: Messrs. Hill and Stephens. Nay: Messrs. Toombs, Howell Cobb, Foreman, Crawford, and Bass.

Kentucky—Nay: Mr. Monroe.

Louisiana—Yea: Mr. Conrad. Nay: Mr. Marshall.

Mississippi—Nay: Mr. Brooke.

Missouri—Yea: Messrs. Peyton, Cooke, Harris, Conrow, and Freeman.

North Carolina—Yea: Messrs. Davis, Morehead, and Davidson. Nay: Mr. Avery.

South Carolina—Yea: Mr. Boyce.

Tennessee—Yea: Mr. Currin.

Texas—Yea: Messrs. Waul and Ochiltree.

Virginia—Yea: Messrs. Macfarland, Pryor, Bocoock, and Brockenbrough. Nay: Mr. Seddon.

Yea: Florida, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, 7.

Nay: Arkansas, Georgia, Kentucky, and Mississippi, 4.

Divided: Alabama and Louisiana, 2.

So the bill as amended was passed.

Mr. Bocoock moved that the session of Congress on Monday be held with open doors after 45 minutes past 11 o'clock a. m.

The motion was agreed to.

Mr. Boyce moved to take up for consideration from the table

A bill to prohibit officers, agents, and members of Congress from making Government contracts.

The motion was agreed to.

Mr. Monroe moved to lay the bill on the table.

The motion was lost.

And the bill was engrossed, read a third time, and passed.

Mr. Johnson of Arkansas, from the Committee on Indian Affairs, reported and recommended the passage of

A bill to make disposition of negro slaves captured from hostile Indians;

which was read first and second times, engrossed, read a third time, and passed.

Mr. Hill moved that Congress do now adjourn.

The motion was lost.

Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Foreman offered the following resolution; which was read and agreed to, to wit:

*Be it resolved by the Confederate States Congress, That five hundred copies of the act amending the sequestration act be printed immediately, and that copies be sent to the judges, receivers, and members of the Provisional Congress.*

Mr. Hale, from the Committee on the Judiciary, reported

A bill to repeal an act therein named; which was read first and second times, engrossed, read a third time, and passed.

Mr. Avery, from the Committee on Military Affairs, to whom was referred the report of Maj. Gen. Braxton Bragg, of the bombardment at Pensacola, reported the same back, that in the opinion of the committee it was inexpedient to publish at present any portion of the same, asked to be discharged from the further consideration of the same, and that the report lie on the table; which was agreed to.

And, on motion of Mr. Kenner,

Congress adjourned until 10 o'clock a. m. on Monday morning.

#### EXECUTIVE SESSION.

Congress being in executive session,

The Chair presented the following communication from the President, nominating for appointment in the Army of the Confederate States of America, sundry officers, to take rank from the date of confirmation:

RICHMOND, February 15, 1862.

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, agreeably to the recommendation of the Secretary of War.

JEFF'N DAVIS.

#### • CORPS OF INFANTRY.

##### *Captains.*

Robert Tansill, of Virginia, to take rank from confirmation; A. H. Cross, of Virginia, to take rank from confirmation; W. W. Roberts, of North Carolina, to take rank from confirmation.

##### *Second lieutenant.*

J. L. Massie, of Virginia, to take rank from date of confirmation.

Congress advised and consented to the said nominations.

The following communication was received from the President, nominating officers in the Provisional Army of the Confederate States, and referred to the Committee on Military Affairs:

RICHMOND, February 15, 1862.

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

#### FIRST TEXAS CAVALRY BATTALION, PROVISIONAL ARMY.

##### *Major.*

R. P. Crump, of Texas, to take rank November 4, 1861.

##### *Brigade quartermaster, rank of major.*

Sackfield Maclin, of Texas, to rank from confirmation.

##### *Assistant adjutant-general, rank of major.*

John Tyler, jr., of Virginia, to take rank August 29, 1861.

The Chair presented another communication from the President, making nominations in the Provisional Army of the Confederate States; which was referred to the Military Committee.



The nominations are as follows, viz:

EIGHTH GEORGIA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

A. Littlefield, of Georgia, to take rank from ———.

FIRST TEXAS CAVALRY BATTALION, PROVISIONAL ARMY.

*Major.*

R. P. Crump, of Texas, to take rank November 4, 1861.

NINTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Samuel Henry, of Alabama, to take rank October 21, 1861.

*Lieutenant-colonel.*

Edward A. O'Neal, of Alabama, to take rank October 21, 1861.

*Major.*

F. H. Ripley, of Alabama, to take rank October 21, 1861.

TWELFTH GEORGIA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Z. T. Conner, of Georgia, to take rank December 13, 1861.

*Lieutenant-colonel.*

Abner Smead, of Georgia, to take rank December 13, 1861.

*Major.*

Willis A. Hawkins, of Georgia, to take rank from December 13, 1861.

TWELFTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

R. T. Jones, of Alabama, to take rank July 17, 1861.

*Lieutenant-colonel.*

J. C. Brown, of Alabama, to take rank November 11, 1861.

*Major.*

A. Stikes, of Alabama, to take rank November 11, 1861.

EIGHTEENTH ALABAMA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Eli S. Shorter, of Alabama, to take rank December 23, 1861.

*Lieutenant-colonel.*

J. T. Holtzelaw, of Alabama, to take rank December 23, 1861.

*Major.*

W. M. Moxley, of Alabama, to take rank December 23, 1861.

## FOURTH ARKANSAS REGIMENT, PROVISIONAL ARMY.

*Colonel.*

E. McNair, of Arkansas, to take rank October 29, 1861.

*Major.*

James H. May, of Arkansas, to take rank August 17, 1861.

## FIRST REGIMENT GEORGIA REGULARS, PROVISIONAL ARMY.

*Colonel.*

William J. Magill, of Georgia, to take rank February 6, 1862.

*Lieutenant-colonel.*

John D. Walker, of Georgia, to take rank February 6, 1862.

*Major.*

William Martin, of Georgia, to take rank February 6, 1862.

## FIRST LOUISIANA INFANTRY, PROVISIONAL ARMY.

*Colonel.*

D. W. Adams, of Louisiana, to take rank September 30, 1861.

*Lieutenant-colonel.*

John A. Jaquess, of Louisiana, to take rank September 30, 1861.

*Major.*

F. H. Farrar, jr., of Louisiana, to take rank September 30, 1861.

## TWENTY-SECOND LOUISIANA REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Paul E. Théard, of Louisiana, to take rank January 30, 1862.

*Lieutenant-colonel.*

William S. Lovell, of Louisiana, to take rank January 30, 1862.

## TWENTIETH MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

D. R. Russell, of Mississippi, to take rank June 27, 1861.

*Lieutenant-colonel.*

H. H. Miller, of Mississippi, to take rank ———.

*Major.*

William N. Brown, of Mississippi, to take rank July 19, 1861.

## TWENTY-SECOND MISSISSIPPI REGIMENT, PROVISIONAL ARMY.

*Colonel.*

F. Schaller, of Mississippi, to take rank December 24, 1861.

*Lieutenant-colonel.*

Charles G. Nelms, of Mississippi, to take rank December 24, 1861.

*Major.*

James S. Prestidge, of Mississippi, to take rank December 24, 1861.

## FIRST FLORIDA CAVALRY REGIMENT, PROVISIONAL ARMY.

*Colonel.*

W. G. M. Davis, of Florida, to take rank January 1, 1862.

*Lieutenant-colonel.*

G. T. Maxwell, of Florida, to take rank January 1, 1862.

*Major.*

W. T. Stockton, of Florida, to take rank January 1, 1862.

## SECOND ARKANSAS MOUNTED RIFLE REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Benjamin T. Embry, of Arkansas, to take rank January 26, 1862.

*Lieutenant-colonel.*

Henry K. Brown, of Arkansas, to take rank January 26, 1862.

## HAMPTON LEGION, SOUTH CAROLINA, PROVISIONAL ARMY.

*Colonel.*

Wade Hampton, of South Carolina, to take rank July 12, 1861.

## THIRTY-SEVENTH TENNESSEE REGIMENT, PROVISIONAL ARMY.

*Colonel.*

Moses White, of Tennessee, to take rank October 26, 1861.

*Lieutenant-colonel.*

Hunter P. Moffett, of Tennessee, to take rank October 26, 1861.

*Major.*

Edward F. Hunt, of Tennessee, to take rank October 26, 1861.

## NINTH REGIMENT TEXAS CAVALRY, PROVISIONAL ARMY.

*Colonel.*

William B. Sims, of Texas, to take rank November 14, 1861.

*Lieutenant-colonel.*

William Quayle, of Texas, to take rank November 14, 1861.

*Major.*

N. W. Townes, of Texas, to take rank November 14, 1861.

## FIRST FLORIDA BATTALION, PROVISIONAL ARMY.

*Lieutenant-colonel.*

D. P. Holland, of Florida, to take rank February 12, 1862.

*Major.*

Charles F. Hopkins, of Florida, to take rank February 12, 1862.

*Brigade commissaries, with the rank of major.*

N. R. Jennings, of Louisiana; Herbert S. Dallam, of Kentucky.

*Assistant commissaries, with the rank of captain.*

James W. Pope, of Texas; Bofivar Christian, of Virginia; Thomas L. Wallace, of Tennessee; P. T. Colby, of Maryland; F. M. Spencer, of Texas; Robert C. Williams, of Florida; Jesse S. Jones, of Mississippi; Francis Miller, of Arkansas.

## FIRST REGIMENT GEORGIA REGULARS, PROVISIONAL ARMY.

*Captains.*

John Milledge, jr., of Georgia, to take rank January 28, 1862; H. D. D. Twiggs, of Georgia, to take rank February 6, 1862.

*First lieutenants.*

R. R. Rutherford, of Georgia, to take rank January 28, 1862; Thomas Burdell, of Georgia, to take rank February 6, 1862.

*Chaplain.*

G. N. Clampitt, of Louisiana, to take rank ———.

*Assistant quartermasters, with rank of captain.*

Elisha Mayfield, of Arkansas; Addison C. Day, of Tennessee; Abner Anderson, of Virginia; Addison Craft, of Mississippi.

*Adjutants, with rank of first lieutenant.*

Peter J. Shannon, of North Carolina, to take rank February 3, 1862; S. A. Key, of Tennessee, to take rank December 14, 1861; Thomas B. Hutchison, of Virginia, to take rank February 6, 1862; W. T. Edwards, of Arkansas, to take rank September 25, 1861; W. E. Carter, of North Carolina, to take rank October 16, 1861; William Crump, of Mississippi, to take rank February 24, 1862.

## ADJUTANT-GENERAL'S DEPARTMENT.

*Majors.*

Archer Anderson, of Virginia, to take rank February 6, 1862; W. D. Pickett, of Tennessee, to take rank February 8, 1862.

*Captains.*

Samuel B. Davis, of Texas, to take rank November 27, 1861; D. M. Du Bose, of Georgia, to take rank January 29, 1862; Powhatan Ellis, jr., of Kentucky, to take rank February 12, 1862.

Mr. Pryor, from Committee on Military Affairs, to which was referred the nomination of D. H. Todd, as lieutenant of infantry, reported adversely to his confirmation, said Todd being "Lincoln's brother-in-law."

On motion of Mr. Perkins of Louisiana,



The nomination of N. R. Jennings, of Louisiana, as major in the Provisional Army of the Confederate States, was unanimously confirmed.

Mr. Morton moved to reconsider the vote by which the nominations were referred to the Committee on Military Affairs.

The motion prevailed, and Congress proceeded to consider the same.

The confirmation of the following nomination was postponed, viz:

Maj. R. P. Crump, of Texas; Maj. F. H. Ripley, of Alabama; Col. Z. T. Conner, of Georgia; Col. William J. Magill, Lieut. Col. John D. Walker, and Maj. William Martin, of Georgia; Maj. W. D. Pickett, of Tennessee; Capts. Samuel B. Davis and D. M. Du Bose, of Georgia.

The remainder of the nominations were confirmed.

Mr. Hale, from Committee on Military Affairs, to whom was referred the message of the President of 13th February, submitting nominations in the Provisional Army of the Confederate States, and also the message of the President of the 14th February, nominating officers in Army of the Confederate States, reported the same back and recommended the confirmation thereof.

On motion of Mr. Staples,

Congress took a recess until 7 o'clock p. m.

At 7 o'clock p. m. Congress reassembled.

The Chair laid before the Congress the following communication from the President:

RICHMOND, *February —, 1862.*

*To the Congress of the Confederate States.*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFF'N DAVIS.

#### MEDICAL DEPARTMENT.

##### *Surgeons.*

Alexander R. Medway, of North Carolina; Sheldon Stringer, of Florida.

##### *Assistant surgeon.*

D. C. O'Keefe, of Georgia.

The nominations were confirmed, Congress advising and consenting to the same.

The following communication was also received from the President:

RICHMOND, *February 15, 1862.*

*To the Congress of the Confederate States:*

I nominate for the advice and consent of the Congress the officer named in the recommendation of the Secretary of War, hereto annexed.

JEFFERSON DAVIS.

WAR DEPARTMENT, *February 15, 1862.*

SIR: I have the honor to recommend the following nomination in the Army of the Confederate States:

A. C. Myers, of South Carolina, Quartermaster-General, to be colonel, to take rank from the date of his confirmation.

Your obedient servant,

J. P. BENJAMIN,  
*Secretary of War.*

To the PRESIDENT.

The communication was referred to the Committee on Military Affairs.

Another communication was received from the President; which is as follows, viz:

RICHMOND, *February 15, 1862.*

*To the Congress of the Confederate States:*

I nominate the officers on the accompanying list to the rank affixed to their names, respectively, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

FIRST TEXAS CAVALRY BATTALION, PROVISIONAL ARMY.

*Major.*

R. P. Crump, of Texas, to take rank November 4, 1861.

*Brigade quartermaster, rank of major.*

Sackfield Maclin, of Texas, to take rank ———.

*Assistant adjutant-general, rank of major.*

John Tyler, jr., of Virginia, to take rank August 29, 1861.

Referred to the Military Committee.

The Chair laid before Congress the following communication from the President:

RICHMOND, *February 15, 1862.*

*To the Congress of the Confederate States:*

I nominate Camillus Julius Polignac, of France, to be a lieutenant-colonel in the Army of the Confederate States of America, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

which was referred to the Committee on Military Affairs.

The Chair also laid before Congress the following nominations of the President:

*To the President of the Congress of the Confederate States of America:*

I nominate the persons named in the annexed letter of the Secretary of the Navy, agreeably to his recommendation.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, NAVY DEPARTMENT,

*Richmond, February 15, 1862.*

His Excellency the PRESIDENT.

SIR: I have the honor to recommend the following nominations for appointments in the Navy of the Confederate States, under act of Congress, No. 331, approved December 24, 1861:

*Lieutenants for the war.*

Alphonse Barbot, of Louisiana; Joshua Humphreys, of Virginia.

I am respectfully, your obedient servant,

S. R. MALLORY,  
*Secretary of the Navy.*

The nominations were referred to the Committee on Naval Affairs.

Also, the following nominations in the Army of the Confederate States; which, on motion of Mr. Chilton, were referred to the Committee on Military Affairs:

FOR THE CORPS OF ARTILLERY.

*First lieutenant.*

H. B. Lyon, of Kentucky, to take rank March 16, 1861.

*Second lieutenants.*

Nathaniel R. Chambliss, of Tennessee, to take rank March 16, 1861; Clarence Derrick, of ———, to take rank March 16, 1861; William R. Jones, of Virginia, to take rank March 16, 1861; John J. Garnett, of Virginia, to take rank March 16,

1861; Paul F. Faison, of North Carolina, to take rank March 16, 1861; R. H. Logan, of Virginia, to take rank March 16, 1861; Zaddock T. Willett, of Tennessee, to take rank March 16, 1861; Alexander D. Moore, of North Carolina, to take rank March 16, 1861; William F. Niemeyer, of Virginia, to take rank March 16, 1861; James P. Parker, of Missouri, to take rank March 16, 1861; David G. White, of Maryland, to take rank March 16, 1861; George O. Watts, of Kentucky, to take rank March 16, 1861; Joseph A. Alexander, of Georgia, to take rank March 16, 1861; Willis Wilkinson, of South Carolina, to take rank April 20, 1861; Franklin B. Du Barry, of ———, to take rank April 26, 1861; L. Jaquelin Smith, of Virginia, to take rank September 28, 1861; Charles Richardson, of Virginia, to take rank October 7, 1861; Marshall McDonald, of Virginia, to take rank October 9, 1861; James A. Bryan, of North Carolina, to take rank October 12, 1861; James Ker, of Virginia, to take rank November 5, 1861; R. L. Poor, of the District of Columbia, to take rank November 6, 1861; A. J. Hartley, of Texas, to take rank February 13, 1862.

#### CORPS OF CAVALRY.

##### *First lieutenant.*

William H. Jackson, of Tennessee, to take rank March 16, 1861.

##### *Second lieutenants.*

Mathis W. Henry, of Kentucky, to take rank March 16, 1861; J. T. W. Hairston, of Mississippi, to take rank April 5, 1861; John Bradley, of Texas, to take rank March 30, 1861.

Mr. Chilton moved that all nominations for appointment in the Regular Army be laid upon the table.

Mr. Garland called the question; which having been seconded,

Mr. Waul moved to reconsider the vote just taken and demanded the yeas and nays thereon.

The motion was lost.

The question then recurring on the motion to lay all nominations in the Regular Army on the table,

The same was agreed to.

Mr. Curry moved to reconsider the confirmation of Robert Tansill and A. H. Cross, of Virginia, as captains in the Army of the Confederate States.

The motion to reconsider was lost.

Mr. Hale, from Committee on Military Affairs, to which had been referred sundry nominations, reported adversely to the following:

- F. H. Ripley, of Alabama, as major;
- W. D. Pickett, of Tennessee, as major; and
- Z. T. Conner, of Georgia, as colonel;

and the same were rejected.

The consideration of the following nominations in the First Regiment Georgia Regulars was, on recommendation of committee, postponed, viz:

- William J. Magill, of Georgia, colonel;
- John D. Walker, of Georgia, lieutenant-colonel; and
- William Martin, of Georgia, major.

Mr. Hale, from the same committee, reported back the nominations of the following officers; which, on motion, were laid on the table, viz:

Samuel B. Davis, of Texas, and D. M. Du Bose, of Georgia, as captains in the Adjutant-General's Department.

Mr. Hale, from Committee on Military Affairs, to which was referred the nomination of Camillus Julius Polignac, of France, as lieutenant-colonel in the Army of the Confederate States, reported the same back and recommended his confirmation.

The nomination was confirmed.

Mr. Hale, from the same committee, to whom was referred the nominations of the President of February 14, in the Artillery and Cavalry Corps of the Army of the Confederate States, reported back the same and recommended their confirmation.

The nominations were confirmed.

Mr. Hale, from Military Committee, to which had been referred the message of the President of February 12, nominating officers in the Corps of Engineers, and also officers in the Provisional Army, reported the same back, with the recommendation that they be confirmed.

The report was concurred in, Congress advising and consenting to the same.

Mr. Waul moved to take up the nomination of D. C. De Leon, as surgeon in the Army; which was not agreed to.

Mr. Currin moved to take up for consideration the nomination of George B. Crittenden as major-general in the Army of the Confederate States.

The motion was lost.

Mr. Conrad, from Committee on Naval Affairs, to which had been referred sundry nominations of the President, of officers in the Navy of the Confederate States, reported back the same, with the recommendation that Congress advise and consent to the same; which was agreed to, and the nominations were confirmed.

Mr. Hale, from the Committee on Military Affairs, to whom was referred the nomination of A. C. Myers, of South Carolina, reported back the same, with the recommendation that he be confirmed; which was agreed to, and Congress advised and consented to said nomination.

Mr. Conrad, from Committee on Naval Affairs, to which had been referred the communication of the President of February 13, nominating officers in the Marine Corps, reported the same back and recommended their confirmation; which was agreed to, and the said officers were confirmed.

The executive session was then dissolved.

## SEVENTY-SECOND DAY—MONDAY, FEBRUARY 17, 1862.

### OPEN SESSION.

Congress met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Hoge.

Mr. Barnwell announced the presence of James L. Orr, a Delegate-elect from the State of South Carolina, who came forward, was duly qualified, and took his seat.

Congress then resolved itself into secret session; and after spending some time therein, in pursuance to an order to that effect, then resolved itself into open session.

Congress being in open session,

Mr. Bocoock offered the following resolution; which was read and passed unanimously, to wit:

*Resolved*, That the thanks of this House are eminently due and are hereby tendered to the Hon. Howell Cobb, President of the Provisional Congress, for the dignity, ability, and impartiality which have so highly distinguished his official conduct as the presiding officer of this body.

Mr. Bocoock then moved that Congress do now adjourn.



The motion was agreed to.

The President then addressed the House as follows:

GENTLEMEN OF THE CONFEDERATE CONGRESS: Not as a mere formality do I receive the unanimous adoption of the resolution just considered by the House, and before I discharge the last duty incumbent on me as your presiding officer in declaring this Congress adjourned "without a day," permit me, in the sincerity of my heart, to return you my grateful thanks. With whatever success I may have discharged my duties, I can truly say that no presiding officer ever received such cordial cooperation or such generous support from the body whose chair he occupied. And though the hour has arrived for dissolving our connection at the expiration of our service, I trust the time will never come for severing the ties which have been formed during this connection.

The occasion naturally bears our mind back to the time of our assembling, when the representatives of six sovereign States, in a distant capitol, in calm consultation, deliberated over their destiny and sought to perpetuate their free institutions upon the basis adopted by our fathers. One after another of our sister States has linked her fortunes with ours, until to-day the significant thirteen of the old Government marks also the number of our Confederates.

Within that period the Constitution which you prepared and submitted to the country has received the almost unanimous approval of our constituents, while most of your legislation has been in like manner approved at the bar of public opinion. I am prepared to promise to the country that when the veil of secrecy, which policy has induced us to throw over our deliberations, shall be removed, a like indorsement of the entire action of this body will be the verdict of an enlightened public. For while it has been complimentary to you, it is but the meed of praise, due to the patriotism of this people to say, that a more generous confidence was never extended to rulers under more trying circumstances.

Several of our number have been taken by death from our midst. Pardon a more direct allusion to one who, with many other noble spirits, has sealed with his blood on the field of battle the policy and acts which his wisdom assisted to devise and prepare. The memories of the occasion would be incomplete without this passing tribute to the illustrious dead.

The scene of to-day is something worthy to be remembered. At our assembling, we were clothed with almost unlimited power. The Provisional Constitution was a self-constituted limit to our powers and yet as scrupulously regarded and maintained as if it had been the charter of our right. The period of our existence was voluntarily affixed by ourselves, and to-day we cheerfully surrender our powers to those elected under a government provided by ourselves. They are not our successors. This Congress has no successor. They inaugurate a government which is the successor of the Provisional Government. To these facts I refer not in the spirit of boasting—but to repel the unjust imputation so persistently cast upon us by our unscrupulous enemy—that this was a military despotism, sustained only by the power of our arms.

The new Government will be fully inaugurated on the 22d, an appropriate day for placing in operation a constitution characterized by the conservatism which so eminently distinguished "the Father of his Country." In the Capitol of the old Government on the same day, the cold, heartless, and hypocritical ceremony will be performed by their rulers of listening to the precepts inculcated in his last legacy to his countrymen—the persistent disregard of which by themselves has forced us to seek for safety and liberty under a new organization. The contrast is before the world; let them decide between us.

In truth, gentlemen, I must refer to one remarkable characteristic of this revolution which distinguishes it from all others recorded in history. It can not be too prominently set forth, or too often considered—I mean its conservatism. Usually revolutions are the result of the excited passions of the people whose patience is exhausted, and hence their popular tendencies have too frequently degraded them into anarchy and discord. But here the people at the ballot box deliberately vote a revolution to escape from the very anarchy which they see impending and to preserve those conservative principles of the fathers of the Republic, which were fast being overwhelmed by popular fanaticism. Every step in the drama has been marked by the same tendency. The changes in the Federal Constitution were suggested and adopted with the same views, and every page of the history of this war will show that we, without the checks of government, have imposed upon ourselves the most conservative principles, while our enemies, having the organized government, have trampled under foot every constitutional limitation, and disregarded all public and private rights. That this springs from the people themselves and is not due alone to the wisdom of their rulers, is manifest from the fact, that in more than

one of the States, the very occasion of revolution has been used to reform their own Constitution; and to improve by impressing this same conservatism upon the fundamental law of the State.

Gentlemen, I have perhaps detained you too long. I can not close without commending to those who follow us in government, one element of success to which I may perhaps attribute too much. I refer to the generous confidence which each department of the Provisional Government has exhibited toward all others. In our common danger there should be no divisions. The spirit of party has never shown itself for an instant in your deliberations, and I would that it should be the good fortune of each successive presiding officer in the closing scene of every Congress to be able to bear the testimony I now publicly give to the honor of this body.

When I first took this chair, I ventured the opinion that our separation was "perfect, complete, and perpetual." If any doubted then the past year has dispelled that doubt, and no person can now be found who will say that the separation was too soon, or would be too perpetual. Relying on the harmony of our people; upon the justice of our cause; upon our own strong arms, and the smile of a kind and protecting Providence, from the incipency of this revolution to this moment, I have never had one despondent hour.

These have been our reliance in the past and must be our hope for the future; for thus far we have successfully conducted our revolution, without even the benefit of that recognition which has never before been denied to a people who have shown the same capacity and determination to maintain their independence.

Renewing the expression of my heartfelt thanks, I proceed, gentlemen, to discharge the last duty of the chair, and to pronounce this Congress adjourned "without a day."

#### SECRET SESSION.

Congress being in secret session,

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to provide for the preservation and future publication of the Journals of the Provisional Congress and the proceedings of the convention which framed the provisional and permanent Constitutions of the Confederate States;

An act to amend an act to provide for the safe custody, printing, publication, and distribution of the laws, and to provide for the appointment of an additional clerk in the Department of Justice, approved August 5, 1861;

An act to prohibit officers, agents, and members of Congress from making Government contracts;

An act to make disposition of negro slaves captured from hostile Indians;

An act to extend the provisions of the act entitled "An act authorizing the President to inflict retaliation upon the persons of prisoners," approved August 30, 1861;

An act to repeal an act therein named;

An act to define and establish the compensation of members of the Congress of the Confederate States of America, in relation to mileage; and

An act to authorize the lithographing of the Constitution of the Confederate States of America, with the signatures thereto, and to provide for the distribution of the same.

On motion of Mr. Conrow, the injunction of secrecy was removed from the bills in relation to aid to the State of Missouri.

Mr. Stephens offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the Secretary of the Provisional Congress transfer and hand over to the Department of Justice all papers of file in his office, and all documents and other papers of this House under his control now in the hands of the Public Printer, not otherwise disposed of by the order of the House.

Mr. Kemmer offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That W. H. Talman be allowed two dollars per day from the second day of December to the seventeenth day of February, eighteen hundred and sixty-two, for his services as page of this body.

Mr. Oldham offered the following resolution: which was read and agreed to, to wit:

*Resolved*, That the Secretary of the Congress, allowed heretofore to publish lithographic copies of the Provisional Constitution, be now authorized to cause to be lithographed only the caption and attesting clause of said Constitution with the signatures of the members of Congress thereto.

Mr. Macfarland, from the special committee appointed to prepare for the inauguration of the President and Vice-President elect, made the following report; which was read and agreed to, to wit:

The committee charged with inquiring into the arrangements which should be made for the inauguration of the President and Vice-President elect and the accommodation of the two Houses of the permanent Congress, respectfully recommend:

That the President be requested to be present in the Hall now occupied by the Provisional Congress at half past 11 o'clock, on Saturday morning, the 22d instant, and that a seat be provided for him on the right of the Speaker; that a committee of ten, consisting of five members of each House, appointed by the Senate and House of Representatives, respectively, wait upon the President at his residence and attend him to the Hall; that the Vice-President and members of the Senate be requested to assemble in the same Hall, at the same time, and that a seat be provided for the Vice-President on the left of the Speaker; that a like invitation be extended to the governor of Virginia and the governors of any of the Confederate States in the city, for whom seats be provided on the right of the President, to the two houses of the legislature, the judges of her supreme court of appeals, to the heads of the Executive Departments of the Confederate States, and to the ex-members of the Provisional Congress. That at 12 o'clock the President of the Senate and the Speaker of the House of Representatives attend the President to the portico of the Capitol, followed by the Vice-President, the governor of Virginia and the governors aforesaid, the judges of the Supreme Court, the heads of the Executive Departments, the Senators and Representatives and the ex-members of the Provisional Congress, and the members of the two houses of the legislature, and that the oath of office be then administered to the President by the Hon. John J. Allen, president of the supreme court of appeals of Virginia.

That at the close of the ceremonies in the portico, the President of the Senate and the Speaker of the House of Representatives attend the President back to the Hall, followed by the Vice-President, the governors and the others in the order of their going from it, and that the Senate be called to order and hold a session therein, that the oath of office may be administered to the Vice-President by the President of the Senate, and that the Senate retire to their Chamber at the close of the ceremonies.

That the House of Representatives be requested to convene in their Hall on the 22d instant at 12 o'clock m.

The committee recommend that a copy of this report be communicated to the Senate and House of Representatives, and that they be informed that this Hall is assigned to the House of Representatives and that the room hereby provided on the floor above is assigned to the Senate.

Mr. Macfarland, from the same committee, offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That one hundred and ten dollars of the contingent fund of Congress be appropriated to pay the bill of Henry Exall for arranging the portico for the ceremonies of the twenty-second instant, and that the Secretary be authorized to appropriate so much as may be necessary to the payment of his bill.

On motion of Mr. Venable, Congress resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Johnson of Arkansas introduced

A bill to fix the date at which the bounty shall be paid to soldiers enlisted for the war;



which was read first and second times, engrossed, read third time, and passed.

Mr. Ochiltree offered the following resolution; which was read and agreed to, to wit:

*Resolved*, That the President of the Provisional Congress and acting chairman of the Committee on Pay and Mileage be authorized, after the adjournment of the same, to certify and sign all such papers as may be necessary to enable the members of said Congress to obtain such compensation as may be allowed them by law.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President has this day approved and signed

An act to define and establish the compensation of members of the Congress of the Confederate States of America, in reference to mileage;

An act to repeal an act therein named:

An act to provide for the preservation and future publication of the Journals of the Provisional Congress and the proceedings of the convention which framed the provisional and permanent Constitutions of the Confederate States;

An act to amend an act to provide for the safe custody, printing, publication, and distribution of the laws, and to provide for the appointment of an additional clerk in the Department of Justice, approved August 5, 1861; and

An act to make disposition of negro slaves captured from hostile Indians.

On motion of Mr. Toombs, Congress then resolved itself into executive session; and having spent some time therein, again resolved itself into legislative session.

Mr. Hale, from the Committees on the Judiciary and Military Affairs, reported back sundry papers, asked to be discharged from their further consideration, and that the same lie on the table; which was agreed to.

Mr. Conrad, from the Committee on Naval Affairs, made a similar report in relation to papers referred to the committee; which was agreed to.

Leave was granted to Mr. Currin, on his motion, to withdraw from the file the papers of Corcoran & Co.

Mr. Conrad asked leave to withdraw a draft on the United States of McConnell & Co., upon depositing their receipt for the same; which was granted.

Mr. Boyce, on motion, was allowed to change his vote on the passage of

A bill to authorize the President to inflict retaliation upon the persons of prisoners, etc.

Mr. Oldham, from the Committee on Engrossment, reported as correctly engrossed and enrolled

An act to fix the date at which the bounty shall be paid to soldiers enlisting for the war.

A message was received from the President, by the hands of his Private Secretary, Mr. Josselyn, informing Congress that the President had this day signed and approved

An act to fix the date of the payment of the bounty to soldiers enlisted for the war.

Congress, in pursuance of an order passed to that effect, then resolved itself into open session.



## EXECUTIVE SESSION.

Congress being in executive session.

Mr. Venable moved that the vote rejecting the nomination of David C. De Leon, as surgeon in the Army of the Confederate States, be reconsidered.

The motion did not prevail.

Mr. Avery moved to reconsider the vote by which the nominations of officers in the Regular Army were laid on the table.

The motion was lost.

Mr. Hale moved the confirmation of M. Dubrae, assistant adjutant-general, with rank of captain.

The motion prevailed, and the nomination was confirmed.

Mr. Clark moved to take up the nomination of Lieut. M. M. Kimmel; which was agreed to, and the nomination confirmed.

Mr. Hale moved that the nomination of George B. Crittenden as major-general be taken up for consideration; which was agreed to.

Mr. Sparrow moved that the consideration of the same be postponed; which motion was lost.

Mr. Curry demanded the yeas and nays on the confirmation; which were ordered, and they are recorded as follows, viz:

Yea: Messrs. Johnson and Thomason, of Arkansas; Mr. McRae, of Alabama; Mr. Sanderson, of Florida; Messrs. Toombs, Hill, Wright, and Stephens, of Georgia; Messrs. Perkins, De Clouet, and Conrad, of Louisiana; Mr. Brooke, of Mississippi; Mr. Currin, of Tennessee; Messrs. Avery, Morehead, Puryear, and Davidson, of North Carolina; Messrs. Reagan and Ochiltree, of Texas; Messrs. Seddon, Hunter, Scott, Russell, Johnston, and Staples, of Virginia.

Nays: Messrs. Curry, Chilton, and Hale, of Alabama; Mr. Garland, of Arkansas; Mr. Jackson, of Florida; Messrs. Foreman, Cobb, and Kenan, of Georgia; Mr. Marshall, of Louisiana; Mr. Bradford, of Mississippi; Messrs. Ruffin and Venable, of North Carolina; Messrs. Barnwell, Miles, Orr, and Boyce, of South Carolina; Messrs. Brockenbrough, Macfarland, and Pryor, of Virginia.

Summary—Yeas 25, nays 19.

So the Congress advised and consented to the nomination.

The Chair laid before Congress the following nomination by the President:

RICHMOND, *February 17, 1862.*

*To the Congress of the Confederate States:*

I nominate W. W. Loring, of Florida, to be a major-general, agreeably to the recommendation of the Secretary of War.

JEFFERSON DAVIS.

Congress advised and consented to the same.

Also, the following communication from the President:

RICHMOND, *February 17, 1862.*

*To the Congress of the Confederate States:*

I desire to withdraw the names of John D. Walker as lieutenant-colonel and William Martin as major of the First Regiment Georgia Regulars, sent to Congress in the list of February 13, 1862, and to nominate William Martin as lieutenant-colonel of the First Regiment Georgia Regulars, to take rank February 6, 1862.

JEFFERSON DAVIS.

The request was concurred in, and Congress advised and consented to the confirmation of William Martin as lieutenant-colonel.

The Chair laid before Congress a communication from the President; which is as follows, viz:

RICHMOND, *February 17, 1862.*

*To the Congress of the Confederate States:*

I desire to withdraw the name of R. H. Crump, as major of First Texas Cavalry Battalion, and Samuel R. Davis, as captain in the Adjutant-General's Department, sent to Congress in list of February 13, 1862, and to substitute in lieu thereof R. P. Crump, as major of the First Texas Cavalry Battalion, to take rank November 4, 1861, and Samuel B. Davis, of Texas, as captain in the Adjutant-General's Department, to take rank November 27, 1861.

JEFFERSON DAVIS.

The leave was granted, and Congress advised and consented to the said nominations.

A communication was received from the President, nominating J. W. Herty, as [assistant surgeon] in the Navy of the Confederate States; which was referred to the Committee on Naval Affairs.

Mr. Hale, from Committee on Military Affairs, to which had been referred sundry nominations of the President, of officers in the Army, reported back the same and recommended the confirmation thereof; which was agreed to, Congress advising and consenting to their confirmation.

Mr. Conrad, from the Committee on Naval Affairs, to which was referred sundry nominations of officers in the Navy of the Confederate States, reported and recommended that Congress advise and consent to said nominations.

The same was agreed to, and the several nominations confirmed.

Mr. Hale, from Committee on Military Affairs, to whom was referred the nomination of J. R. Chalmers, of Mississippi, as brigadier-general, reported the same back and recommended his confirmation.

The report was concurred in, and Congress advised and consented to the same.

Congress then resolved into legislative session.

CONVENTION TO FRAME PERMANENT CONSTITUTION  
FOR  
THE CONFEDERATE STATES.

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FEBRUARY 28, 1861, TO MARCH 11, 1861.

MONTGOMERY,  
*Thursday, February 28, 1861—12 o'clock m.*

The Congress having resolved itself in Convention, proceeded to consider the report of the Committee on Permanent Constitution; which is as follows, viz:

THE CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA.

We, the people of the Confederate States, each State acting for itself, and in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity—to which ends we invoke the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America.

ARTICLE I.

*Section 1.*

All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

*Section 2.*

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States, which may be included within the Confederacy, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the [Congress of the] Confederate States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six; the State of Georgia ten; the State of Alabama nine; the State of Florida two; the State of Mississippi seven; the State of Louisiana six; and the State of Texas six.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

### Section 3.

1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and be a citizen of the Confederate States; and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

4. The Vice-President of the Confederate States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers; and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

### Section 4.

1. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

### Section 5.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of the whole number expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the Houses shall be sitting.

### Section 6.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the Confederate States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.



2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his Department.

*Section 7.*

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed both Houses, shall, before it become a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may veto any appropriation or appropriations, and approve any other appropriation or appropriations in the same bill. In such cases he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

3. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, (except on a question of adjournment,) shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

*Section 8.*

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts and carry on the Government of the Confederate States; but all duties, imposts, and excises shall be uniform throughout the Confederate States:

2. To borrow money on the credit of the Confederate States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States:

7. To establish post-offices and post-roads; but the expenses of the Post-Office Department shall be paid out of its own revenues:

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for gov-

erning such part of them as may be employed in the service of the Confederate States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the Confederate States; and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Confederate States, or in any department or officer thereof.

#### Section 9.

1. The importation of negroes of the African race, from any foreign country other than the slaveholding States of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have the power to prohibit the introduction of slaves from any State not a member of the Confederacy.

3. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion and invasion the public safety may require it.

4. No bill of attainder, or *ex post facto* law, or law denying or impairing the right of property in negro slaves shall be passed.

5. No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken.

6. No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from the seaports of one State be obliged to enter, clear or pay duties in the seaports of another.

8. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular account of the receipts and expenditures of all public money shall be published from time to time.

9. Congress shall appropriate no money from the Treasury unless it be asked and estimated for by the President or some one of the heads of Department, except for the purpose of paying its own expenses and contingencies, or for the payment of claims against the Confederate States, the justice of which has been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

10. All bills appropriating money shall specify in Federal currency the exact amount of each appropriation and the purposes for which it is made.

11. No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever from any king, prince, or foreign state.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

13. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law,

and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

18. In suits at common law, when the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the Confederacy, than according to the rules of the common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

#### Section 10.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts shall be for the use of the Treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

### ARTICLE II.

#### Section 1.

1. The executive power shall be vested in a President of the Confederate States of America. He shall hold his office during the term of six years, and, together with the Vice-President chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the Confederate States, shall be appointed an elector.

3. The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the Confederate States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death, or other constitutional disability of the President.

4. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of the whole number shall be necessary to a choice.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the Confederate States.



6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the Confederate States.

7. No person except a natural-born citizen or a citizen of the Confederate States at the time of the adoption of this Constitution shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

9. The President shall, at stated times, receive for his services compensation, which shall neither be increased or diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or any of them.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office [of President] of the Confederate States, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof."

#### *Section 2.*

1. The President shall be Commander in Chief of the Army and Navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the Confederate States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the Confederate States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

3. All the civil officers in all the Executive Departments (except the principal officer in each, and such as may be connected with the diplomatic service) shall hold their offices for the term of four years from the time of their appointments unless otherwise provided by law; but they may be removed from office at any time by the President, or other appointing power, for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

#### *Section 3.*

1. The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, converse both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

#### *Section 4.*

1. The President, Vice-President, and all civil officers of the Confederate States, shall be removed from office on impeachment, for and conviction of, treason, bribery, or other high crimes and misdemeanors.



## ARTICLE III.

*Section 1.*

1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

*Section 2.*

1. The judicial power shall extend to all cases arising under the Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State, where the State is plaintiff; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects; but no State shall be sued by a citizen or subject of any foreign State.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

*Section 3.*

1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## ARTICLE IV.

*Section 1.*

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

*Section 2.*

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be returned to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor: but he shall be delivered up on claim of the party to whom such service or labor may be due.

*Section 3.*

1. New States may be admitted by the Congress into the Confederacy by a vote of two-thirds of each House; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the lands or other property of the Confederate States.

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, so long as it remains in a territorial condition, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial government; and the citizens of the Confederate States shall have the right to take to such territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

#### ARTICLE V.

##### *Section 1.*

1. Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting; and should any of the proposed amendments to the Constitution be agreed on by the said convention—voting by States—and the same be ratified by the legislatures of two-thirds of the several States, or by conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the general convention—they shall thenceforward form a part of the Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

#### ARTICLE VI.

1. This Government is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same are repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution, as under the Provisional Government.

3. The Confederate States recognize their ultimate liability for such proportion of the debts contracted by the United States of America prior to the twentieth day of November [December?], eighteen hundred and sixty, as the representative population of the Confederate States bore to the entire representative population of the United States according to the last census thereof.

4. The Constitution, and the laws of the Confederate States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

5. The Senators and Representatives before mentioned and the members of the several State legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support the Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

6. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

7. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

#### ARTICLE VII.

1. The ratification of the conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Mr. Harris moved to amend the preamble by striking out the same and inserting in lieu thereof the following, to wit:

We, the people of the Confederate States of America, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution.

Mr. Withers moved to amend the amendment by striking therefrom the words "We, the people of;" which motion was lost.

Mr. Hill moved to amend the amendment of Mr. Harris by striking out the same and inserting in lieu thereof the following words:

The States of Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity—invoking the favor of Almighty God—do ordain and establish this Constitution for the Confederate States of America;

which motion was lost.

Mr. Smith moved to amend the amendment by inserting between the words "We, the people of" and the words "the Confederate States" the words "each of."

The motion prevailed.

Mr. Chilton moved to amend the amendment by striking out the same and inserting in lieu thereof the following words, viz:

The Confederate States of America, each State acting for itself in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and to secure the blessings of liberty to their posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution.

On motion of Mr. Hill, the preamble was amended by striking out these words, viz: "for itself, and."

The question then recurred on the motion of Mr. Chilton to amend the amendment of Mr. Harris; which was lost.

On agreeing to the amendment offered by Mr. Harris, the vote was taken by States and is as follows:

Yea: Louisiana, Mississippi, and South Carolina.

Nay: Florida, Georgia, and Texas.

Alabama divided.

The motion was therefore lost.

Mr. Conrad moved to amend the preamble by inserting after the word "States," where it first occurs, the words "of America."

The motion was lost.

On motion of Mr. Harris, the preamble was amended by striking out the words "to which ends we invoke" and inserting in lieu thereof the word "invoking."

The preamble as amended reads as follows, viz:

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America.

Mr. Nisbet moved to amend the first clause of the second section by inserting after the word "States," where it first occurs, the words "electing by general ticket;" which motion was lost.

Mr. Memminger moved to amend the same clause by adding the following words:

Every free white citizen of any one of the Confederate States shall be deemed a citizen of the Confederate States.

Mr. Gregg moved to amend the amendment by striking out the same and inserting in lieu thereof the following words, viz:

Every free white person who is a citizen of any one of the Confederate States at the time of its ratification of this Constitution, and every person born of parents dom-

iciled in any of the States or Territories of the Confederate States, shall be deemed a citizen of the Confederate States;

which motion was lost.

Mr. Cobb moved to amend the amendment by striking out the same and inserting in lieu thereof the following:

All free white citizens of the several States forming this Confederacy at the time of the adoption of this Constitution are hereby declared citizens of the Confederate States. And all persons hereafter declared to be citizens by any one of the States (except aliens or persons having one-eighth or more of African blood in their veins) shall be citizens of the Confederate States.

Mr. Walker moved to lay the amendment of Mr. Memminger and the amendment of Mr. Cobb to the amendment on the table.

Pending discussion thereon,

Mr. Stephens moved that the Convention take a recess until 7.30 o'clock p. m. The vote thereon being taken by States is as follows:

Yea: Georgia, Louisiana, and Mississippi.

Nay: Alabama, Florida, South Carolina, and Texas.

So the motion was lost.

On motion of Mr. Harris,

The Convention resolved itself into Congress.

## FRIDAY, MARCH 1, 1861.

Congress having resolved itself in Convention, proceeded to consider the unfinished business of yesterday.

The question being on the motion of Mr. Walker to lay the pending amendments on the table, the motion prevailed.

Mr. Waul moved to amend the first clause of the second section by striking therefrom the words "shall be citizens of the Confederate States" and insert in lieu thereof the words

shall be citizens of such State, and shall have resided \_\_\_\_\_ years within the limits of the Confederate States;

which was lost.

Mr. Hill moved to amend the same clause by striking therefrom the words "be citizens of the Confederate States, and" and add at the end of the clause the words

but no person being of African descent, or being alien born and unnaturalized, shall be qualified as an elector in any State.

Mr. Walker moved to lay the amendment on the table.

After some discussion thereon,

Mr. Curry demanded the question; which was seconded, and the motion to lay on the table prevailed, the vote being taken by States, as follows:

Yea: Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas.

Nay: None.

Mr. Marshall moved to strike from the same clause the words as they occur, to wit: "be citizens of the Confederate States, and;" which motion was lost.

The second clause of the second section of the first article being as follows:

No person shall be a Representative who shall not have attained to the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.



Mr. Hill moved to amend the same by striking therefrom the word "be," where it occurs the second time, and inserting in lieu thereof the words "been seven years;" which was lost, the States voting as follows:

Yea: Alabama.

Nay: Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, 6.

Mr. Conrad moved to amend the same clause by striking out the words "be a citizen of the Confederate States" and inserting in lieu thereof the following words:

been seven years a citizen of the Confederate States, in estimating which time, citizenship of the United States previous to the twentieth day of December, eighteen hundred and sixty, shall be included;

which motion was lost, the States voting:

Yea: Florida.

Nay: Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Texas.

At the instance of the State of Louisiana, the yeas and nays of the entire body were called for and recorded as follows:

Alabama—Yea: None. Nay: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, Shorter, Lewis, and Fearn, 9.

Florida—Yea: Mr. Morton. Nay: Mr. Owens.

Georgia—Yea: Messrs. Hill and Kenan. Nay: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, T. R. Cobb, and Stephens.

Louisiana—Yea: Messrs. Conrad and Kenner. Nay: Messrs. De Clouet, Sparrow, and Marshall.

Mississippi—Yea: None. Nay: Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison.

South Carolina—Yea: None. Nay: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, and Withers.

Texas—Yea: None. Nay: Messrs. Waul, Gregg, and Ochiltree.

The third clause of the second section having been reported,

Mr. Keitt moved to strike therefrom the first sentence, it being in the following words:

Representatives and direct taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves,

And insert the following words in lieu thereof, to wit:

Representatives and direct taxes shall be apportioned among the several States according to their respective numbers, excluding Indians not taxed.

Mr. Stephens moved to take a recess until 7.30 o'clock p. m.; which was lost.

Mr. Stephens demanded the question on the amendment offered by Mr. Keitt; which was seconded, and the motion to amend was agreed to, the States voting as follows:

Yea: Florida, Louisiana, Mississippi, and South Carolina, 4.

Nay: Alabama, Georgia, and Texas, 3.

The Convention resolved itself in Congress.

## SATURDAY, MARCH 2, 1861.

The Congress having resolved itself in Convention,

Mr. Stephens moved to reconsider the vote by which the amendment offered by Mr. Keitt to the third clause of the second section was agreed to.

After some discussion thereon.

On motion of Mr. Kenner, the further consideration of the motion to reconsider and the consideration of the whole of the said clause was postponed for the present.

The fifth clause having been read as follows:

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Mr. Gregg moved to amend the same by adding thereto the following words, to wit:

except that any judicial or other Federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the legislature thereof.

Mr. Conrad moved to amend the amendment by striking out the same and inserting in lieu thereof the following words, viz:

But if the legislature of a State shall, by a vote of two-thirds of each branch, and approved by the executive, charge any judge, district attorney, marshal, or other Federal officer, resident and discharging his duties within such State, with crimes or misdemeanors, and specifying the same, such charges shall be tried by the Senate in the same manner as if such officer had been impeached by the House of Representatives, and the officer shall, if found guilty, be removed from office.

Mr. Stephens demanded the question; which was seconded, and Mr. Conrad's motion was lost.

Mr. Chilton moved to amend the amendment by striking out the same and inserting in lieu thereof the following:

But articles of impeachment of any officer whose duties are discharged exclusively within any State may be presented, by a majority of two-thirds of the general assembly of such State, to the Senate of the Confederate States; and such State shall have the power to employ counsel to prosecute such impeachment.

Mr. Stephens demanded the question; which was seconded, and the motion of Mr. Chilton was lost.

On the question on agreeing to the amendment of Mr. Gregg, Mr. Stephens demanded the question.

The demand was seconded.

The vote having been taken by States, the motion to amend prevailed unanimously.

Mr. Boyce moved to amend the same clause by inserting after the word "Speaker" the words

by a majority vote; but after five days from the commencement of the session, and no election, a plurality vote shall be sufficient to elect.

Mr. Miles moved to amend the amendment by striking out all except the words "by a majority vote;" which motion was lost.

The motion of Mr. Boyce was also lost.

The clause as amended reads as follows:

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the legislature thereof.

The first clause of the third section having been read as follows:

The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

Mr. Sparrow moved to amend the same by striking out the word "two" and inserting "three" in lieu thereof.

The vote having been taken by States is as follows:

Yea: Louisiana.

Nay: Alabama, Florida, Georgia, Mississippi, South Carolina, and Texas.

So the motion was lost.

Mr. Hill moved to amend by striking out the word "two" and inserting in lieu thereof the word "one;" which motion was lost.

Mr. Reagan moved to amend by striking out the words "two Senators" and inserting in lieu thereof the words "three Senators until the number of States shall reach ten;" which motion was lost.

The third clause of the third section having been read as follows:

No person shall be a Senator who shall not have attained to the age of thirty years, and be a citizen of the Confederate States; and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

Mr. Hill moved to amend the same by striking out from the words "be a citizen" the word "be" and insert in lieu thereof the words "been nine years;" which motion was lost.

The seventh clause of the third section having been read as follows: "Judgment in cases," etc. (Fourth page of Constitution.)<sup>a</sup>

Mr. Hale moved to amend the same by striking out the words "liable and."

The motion was lost.

The second clause of the sixth section having been read as follows: "No Senator or Representative," etc. (Page 6.)<sup>a</sup>

Mr. Toombs moved to amend the same by inserting after the words "continuance in office" the words:

except such chief officer of each Executive Department, who may be elected to either branch of Congress after his appointment to such office.

Mr. Smith moved to amend the amendment by striking out the same and inserting in lieu thereof the words:

except this prohibition shall not extend to a member of the House of Representatives, provided he shall be elected or reelected to the House after accepting said office, and before entering upon the same.

Pending discussion thereon, Convention resolved itself in Congress.

## MONDAY, MARCH 4, 1861.

The Congress being in Convention, proceeded to the unfinished business of Saturday.

The question being on the motion of Mr. Smith to amend the amendment of Mr. Toombs, Mr. Toombs withdrew his amendment.

Mr. Stephens moved to amend by striking out the said second clause of the sixth section.

The motion was lost.

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<sup>a</sup>So recorded in the Journal. For full text of the clauses referred to, see pp. 852, 853, respectively.

The second clause of the seventh section having been read, and the following sentence occurring therein:

The President may veto any appropriation or appropriations, and approve any [other] appropriation or appropriations in the same bill.

Mr. Withers moved to amend the same by striking out wherever they occurred the words "or appropriations."

The motion prevailed.

On motion of Mr. Conrad, the same was amended by striking out the word "veto" and insert in lieu thereof the word "disapprove," and the sentence as amended reads as follows, viz:

The President may disapprove any appropriation and approve any appropriation in the same bill.

The first clause of eighth section having been read as follows:

"The Congress shall have power," etc. (Page 8.)<sup>a</sup>

Mr. Rhett moved to amend the same by inserting after the words "the Government of the Confederate States; but" the words

no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to foster or promote any branch of industry; and.

Mr. Nisbet moved to amend the amendment by striking out the same and inserting in lieu thereof the following:

no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid exclusively to foster or promote any branch of industry at the expense of any other; and.

Mr. Hill moved to lay the amendment and the amendment to the amendment on the table, and demanded the question; which was seconded, and the vote on the motion to lay on the table having been taken by States is as follows, to wit:

Yea: Georgia and Louisiana.

Nay: Alabama, Florida, South Carolina, and Texas.

Mississippi divided.

The question recurring on the motion of Mr. Nisbet, the same was lost.

Mr. Keitt moved to amend the amendment of Mr. Rhett by inserting after the word "Treasury" the words

nor shall Congress have power to protect or foster any branch of industry by the levying of taxes or duties.

The motion was lost.

Mr. Miles moved to amend the amendment of Mr. Rhett by striking out the same and inserting in lieu thereof the following words, to wit:

no duty, impost, or excise shall be levied with a view to the protection of any individual interest, pursuit, or occupation in preference to or at the expense of another.

Mr. Curry demanded the question; which was seconded, and the vote having been taken by States is as follows:

Yea: Georgia and Louisiana.

Nay: Alabama, Florida, Mississippi, South Carolina, and Texas.

So the motion was lost.

Mr. Memminger moved to amend the amendment of Mr. Rhett by striking out the same and inserting in lieu thereof the following words:

and no duty, impost, or excise shall be laid, neither shall any appropriation be made to foster or promote any branch of industry.

Mr. Keitt demanded the question; which was seconded, and the motion was lost.

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<sup>a</sup> So recorded in the Journal. For full text of the clause referred to, see p. 853.



Mr. Withers moved to amend the amendment of Mr. Rhett by striking out the same and inserting in lieu thereof the following words:

no bounty shall be granted, nor shall any impost duty or excise be laid and collected on imports or exports, with the intent to encourage by discrimination any form of industry or labor.

Mr. Keitt demanded the question: which was seconded, and the motion was lost.

Mr. Rhett demanded the question on his motion to amend; which was seconded.

On the demand of Mr. Conrad, the question was divided, and the first proposition, to wit, to strike out, was agreed to.

On the question on agreeing to the second proposition of the amendment, viz, to insert, the vote was taken by States and is as follows: Yea: Alabama, Florida, Mississippi, South Carolina, and Texas.

Nay: Georgia and Louisiana.

The second proposition of the amendment was agreed to.

Mr. Conrad moved to amend the clause then by striking therefrom the following words: "necessary to pay the debts and carry on the Government of the Confederate States;" which motion was lost.

On motion of Mr. Curry, the same was further amended by inserting after the words "necessary to pay the debts" the following words, to wit: "provide for the common defense," and the clause as amended reads as follows:

The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts, provide for the common defense, and carry on the Government of the Confederate States; but no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to foster or promote any branch of industry; and all duties, imposts, and excises shall be uniform throughout the Confederate States.

The third clause of eighth section having been read as follows:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Mr. Toombs moved to amend the same by adding the following words:

but neither this, nor any other clause contained in this Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce.

Pending discussion thereon, Convention resolved itself in Congress.

## TUESDAY, MARCH 5, 1861.

The Congress having resolved itself in Convention, proceeded to the consideration of the Constitution of the Confederate States of America.

Mr. Conrad moved, as a standing rule for the Convention, that any member can move a reconsideration of any vote taken by the Convention.

The motion was lost.

The pending question being on the amendment of Mr. Toombs, Mr. Kenner moved to amend the amendment by adding thereto the following words, to wit:

unless said appropriations be for the purposes of keeping open the mouth of the Mississippi River.

Mr. Smith moved to lay the amendment and the amendment to the amendment on the table.

Mr. Stephens demanded the question; which was seconded, and the vote having been taken by States is as follows:

Yea: Alabama, Louisiana, and Texas.

Nay: Florida, Georgia, and South Carolina.

Mississippi divided.

So the motion was lost.

Mr. Withers moved that the consideration of the said third clause of said section and the amendments proposed thereto and the amendment proposed to the amendment be postponed for the present, and the vote thereon having been taken by States is as follows:

Yea: Alabama, Florida, Georgia, and Texas.

Nay: Louisiana, Mississippi, and South Carolina.

So the motion prevailed.

The fourth clause of the eighth section being as follows:

To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States.

Mr. Miles moved to strike therefrom the words as they occur "uniform laws of naturalization, and;" which was lost, the States voting as follows:

Yea: South Carolina.

Nay: Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas, 6.

Mr. Withers moved to amend the same clause by striking therefrom the words "and uniform laws on the subject of bankruptcies;" which motion was lost.

On motion of Mr. Barry, the clause was amended by adding thereto the following words:

but no law of Congress shall discharge any debt contracted before the passage of the same.

Mr. Gregg moved to further amend the clause by striking out the same and inserting in lieu thereof the following:

To establish uniform laws on the subject of bankruptcies, and, by a vote of two-thirds of both Houses, a uniform rule of naturalization throughout the Confederate States;

which motion was lost.

Mr. Memminger moved to amend the same clause by adding thereto the following words:

and no alien admitted to be a citizen by the laws of any of the States shall be deemed a citizen of the Confederate States unless naturalized according to the laws enacted by the Congress.

Mr. Stephens moved to lay the amendment on the table and demanded thereon the question.

The question was seconded, and the motion to lay on the table prevailed.

Mr. Withers moved to amend the same clause by inserting after the word "bankruptcies" the words following, to wit:

in respect only to parties litigating, or cases pending, or judgments obtained in the courts of the Confederacy;

which motion was lost.

Mr. Barry offered the following as a separate clause to the section, viz:

but no alien not naturalized according to the laws of the Confederate States shall be allowed to vote for any office, civil or political, in any of the States.

Mr. Stephens moved to lay the amendment on the table and demanded the question; which was seconded, and the motion was lost.

The question recurring on the motion of Mr. Barry to amend, the same was agreed to, the States voting:

Yea: Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

Nay: South Carolina.

The fourth clause as amended is as follows:

To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States; but no law of Congress shall discharge any debt contracted before the passage of the same; but no alien not naturalized according to the laws of the Confederate States shall be allowed to vote for any office, civil or political, in any of the States.

Mr. Cobb offered the following as a separate clause, to come in after the fourth clause, viz:

To define the terms of citizenship in the Confederate States: *Provided*, Congress shall never deny the rights of citizenship to any free white citizens of the several States, nor grant the rights of citizenship to other persons to whom the same are denied by the several States;

which was lost, the States voting:

Yea: Florida, Georgia, and South Carolina, 3.

Nay: Alabama, Louisiana, Mississippi, and Texas, 4.

The seventh clause being as follows:

To establish post-offices and post-routes; but the expenses of the Post-Office Department shall be paid out of its own revenues.

On motion of Mr. Miles, the same was amended so as to read as follows:

To establish post-offices and post-routes; but the expenses of the Post-Office Department shall, after the expiration of two years, be paid out of its own revenues.

Mr. Brooke moved to amend the same clause by striking therefrom all except the words "To establish post-offices and post-routes."

The motion was lost.

The eighth clause being as follows:

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Mr. Hale moved to amend the same by adding thereto the following:

but Congress shall not be authorized to grant such exclusive right to inventors for a longer time than fourteen years, nor shall it grant any renewal or extension of any such right to inventors.

Mr. Harris demanded the question; which was seconded, and the motion to amend was lost.

Mr. Withers moved to amend the ninth clause of said section, which read as follows: "To constitute tribunals inferior to the Supreme Court," by adding thereto the following words: "*Provided*, No State court shall be constituted such."

The motion was lost.

The tenth clause having been read as follows, to wit:

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

Mr. Miles moved to amend the same so as to read as follows:

To punish piracies and to define and punish felonies committed on the high seas, and offenses against the law of nations.

Mr. Toombs demanded the question; and the same being taken by States is as follows:

Yea: Florida, South Carolina, and Texas.

Nay: Alabama, Georgia, Louisiana, and Mississippi.

The motion of Mr. Miles was lost.

Mr. Cobb moved to amend by striking out the same and inserting in lieu thereof the following, to wit:

To define and punish offenses committed on the high seas and offenses against the laws of nations and all offenses against the laws of the Confederate States.

Mr. Chesnut demanded the question; which was seconded, and the motion was lost.

The eleventh clause having been read as follows:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Mr. Reagan moved to amend the same by adding thereto the following:

But this grant of power shall not be so construed as to prevent the President from adopting all measures necessary to maintain the rights of the Confederate States and protect their citizens in foreign countries, and for these purposes he may employ the Army and Navy during the recess of Congress;

which motion was lost.

The first clause of the ninth section having been read as follows:

The importation of negroes of the African race, from any foreign country other than the slaveholding States of the United States of America, is hereby forbidden; and the Congress is required to pass such laws as shall effectually prevent the same.

Mr. Rhett moved to amend by striking out the same and inserting in lieu thereof the following, to wit:

Congress may prohibit the importation of slaves, coolies, or persons held to service or labor into the Confederate States and their Territories, from any places beyond the limits thereof.

Mr. Chesnut moved to amend the amendment by striking out the same and inserting in lieu thereof the following:

Congress shall have power to prohibit the importation of African negroes and slaves from any foreign country.

Mr. Brooke moved to lay the amendment and the amendment to the amendment on the table, and on that motion demanded the question; which was seconded, and the vote being taken by States is as follows:

Yea: Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

Nay: South Carolina.

At the instance of the State of Louisiana, the yeas and nays were called and ordered to be spread on the Journal.

They are as follows:

Alabama—Yea: Messrs. Walker, Smith, Hale, Shorter, Lewis, and Fearn. Nay: Mr. McRae.

Florida—Yea: Mr. Anderson. Nay: Mr. Owens.

Georgia—Yea: Messrs. Howell Cobb, Nisbet, Hill, Thomas R. R. Cobb. Nay: Messrs. Toombs and Stephens.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, and Sparrow. Nay: Mr. Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Clayton, and Harrison. Nay: Messrs. Wilson and Barry.

South Carolina—Yea: Mr. Boyce. Nay: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, and Withers.



Texas—Yea: Messrs. Reagan, Waul, and Gregg. Nay: Mr. Oldham.  
The motion prevailed.

Mr. Waul moved to amend the first clause by striking out the same and inserting in lieu thereof the following:

The importation of negroes born in Africa is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

Mr. Walker moved to lay the amendment on the table; and the vote being taken by States is as follows:

Yea: Alabama, Georgia, Louisiana, and Mississippi.

Nay: Florida and South Carolina.

So the motion prevailed.

The second clause of the section being as follows:

Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

Mr. Barry moved to amend the same by striking out and inserting in lieu of the whole the following:

The importation of slaves from the slaveholding States of the United States of America is hereby forbidden after the first day of July, eighteen hundred and sixty-two; and Congress is required to pass such laws as shall effectually prevent the same.

The motion was lost.

Mr. Cobb moved to amend the same by inserting after the word "prohibit" the words "or to regulate."

Mr. Waul demanded the question; which was seconded, and the motion was lost.

On motion of Mr. Waul, the first clause was amended by inserting after the word "States" the words "or Territories."

And the second clause was amended by inserting between the word "State" and the word "not" the words "or Territories."

The fourth clause was read, to wit:

No bill of attainder, or *ex post facto* law, or law denying or impairing the right of property in negro slaves shall be passed.

Mr. Withers moved to amend the same by inserting after the words "*ex post facto* law" the words "or law impairing the obligation of contracts."

The vote thereon being taken by States is as follows:

Yea: Louisiana and South Carolina.

Nay: Alabama, Florida, Georgia, Mississippi, and Texas.

The motion was lost.

Mr. Chesnut moved to amend the same by inserting after the words "of property" the words "including the right of property in negro slaves."

The motion was lost.

The sixth clause being read, to wit:

No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

Mr. Sparrow moved to amend the same by adding to the clause the following words:

and said tax or duty shall be no higher upon one article of export than another in proportion to the value thereof at the place of export.

Mr. Withers moved to amend the amendment by striking out the same and inserting in lieu thereof the following words, viz:

and any such tax or duty shall be *ad valorem* on all exports, estimated at the place of exportation.

Mr. Curry demanded the question; which was seconded, and the motion was lost.

The question recurring on Mr. Sparrow's motion. Mr. Curry demanded the question; which was seconded, and the vote being taken by States is as follows:

Yea: Louisiana.

Nay: Alabama, Florida, Georgia, Mississippi, and Texas.

South Carolina divided.

The motion was lost.

Mr. Marshall moved to amend the clause by striking therefrom the following words, viz: "except by a vote of two-thirds of both Houses."

Mr. Cobb demanded the question; which was seconded, and the vote being taken by States is as follows:

Yea: Florida and Louisiana.

Nay: Alabama, Georgia, Mississippi, South Carolina, and Texas.

The motion was lost.

The seventh clause having been read as follows:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

On motion of Mr. Memminger, the consideration of the same was postponed for the present.

The ninth clause having been read, to wit:

Congress shall appropriate no money from the Treasury unless it be asked and estimated for by some one of the heads of Department, and submitted to Congress by the President, except for the purpose of paying its own expenses and contingencies, or for the payment of claims against the Confederate States, the justice of which has been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

Mr. Bartow moved to amend by striking out the same.

Mr. Hill moved to amend the clause by inserting after the words "from the Treasury" the words "except by a vote of two-thirds of both Houses," and to strike out the word "except" and insert in lieu thereof the words "or unless."

Mr. Cobb moved to amend the amendment of Mr. Hill by adding thereto the following words, to wit:

or where the Executive Department refuses to submit an estimate which has been demanded by a vote of two-thirds of both branches of Congress.

The vote being taken by States is as follows:

Yea: Florida, Georgia, Louisiana, Mississippi, and Texas.

Nay: Alabama and South Carolina.

The motion prevailed, and the amendment was agreed to.

Mr. Curry moved to amend the clause by striking out all after the first word, "Congress," and inserting in lieu thereof the words

save by a two-thirds vote of both Houses, shall appropriate no money from the Treasury unless it be asked and estimated by some one of the heads of Department, and submitted to Congress by the President; or except for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which has been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

Mr. Curry demanded the question; which was seconded, and the vote being taken by States is as follows:

Yea: Alabama and Texas.

Nay: Florida, Georgia, Louisiana, Mississippi, and South Carolina.  
The motion was lost.

The question recurring on the motion of Mr. Bartow to amend by striking out the clause,

Mr. Keitt demanded the question; which was seconded, and the vote being taken by States is as follows:

Yea: Alabama and Louisiana.

Nay: Florida, Georgia, Mississippi, South Carolina, and Texas.

At the instance of the State of Texas, the yeas and nays were ordered to be taken and spread upon the Journal, and they are as follows:

Alabama—Yea: Messrs. Walker, Smith, Hale, and McRae. Nay: Mr. Curry.

Florida—Nay: Mr. Anderson.

Georgia—Yea: Messrs. Bartow and Hill. Nay: Messrs. Toombs, Howell Cobb, Nisbet, Thomas R. R. Cobb, and Stephens.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, and Sparrow. Nay: Mr. Marshall.

Mississippi—Yea: Mr. Wilson. Nay: Messrs. Harris, Brooke, Barry, and Harrison.

South Carolina—Nay: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Yea: Messrs. Gregg and Ochiltree. Nay: Messrs. Reagan, Waul, and Oldham.

So the motion to strike out was lost.

Mr. Conrad moved to amend the clause by inserting after the words "estimated for by" the words "the President," and by striking out the words "some one of the heads of Department."

Pending discussion thereon, the Convention resolved itself in Congress.

### WEDNESDAY, MARCH 6, 1861.

Congress resolved itself in Convention.

The pending question being on the motion of Mr. Conrad to amend the ninth clause of the ninth section,

Mr. Withers moved to amend by striking out the clause and inserting in lieu thereof the following:

No money shall be appropriated from the Treasury unless it be asked and estimated for by the President, or, in default thereof, unless the appropriation proposed to be made be first communicated to the President by order of Congress, with a view of enabling the President either to submit an estimate for the same or else to communicate his objections thereto: *Provided*, That this regulation shall not apply to moneys appropriated by Congress to defray its own expenses and contingencies, or for the payment of claims against the Confederate States, the justice whereof may have been judicially ascertained and declared by any tribunal for the investigation of such claims, which tribunal Congress is empowered to ordain and establish.

Mr. Stephens demanded the question on the motion of Mr. Conrad to amend; which was seconded, and the motion to amend was lost, the States voting as follows:

Yea: Louisiana.

Nay: Alabama, Florida, Georgia, Mississippi, South Carolina, and Texas.

Mr. Bartow moved to reconsider the vote by which the amendment offered by Mr. Curry as a substitute for the same clause was lost, and thereon demanded the question; which was seconded, and the motion to reconsider prevailed.

Mr. Curry then offered the following as a substitute for the clause, to wit:

9. Congress shall appropriate no money from the Treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked or estimated for by some one of the heads of Department; or except for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which has been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish;

which was agreed to.

Mr. Conrad moved to strike out the clause as amended; which motion was lost.

The tenth clause of the same section being as follows:

All bills appropriating money shall specify in federal currency the exact amount of each appropriation and the purposes for which it is made.

Mr. Ochiltree moved to amend the same by adding thereto the following:

and Congress shall not grant extra compensation to any officer, agent, servant, or public contractor after such service shall have been performed or contract entered into for the performance of the same.

Mr. Keitt demanded the question; which was seconded, and the motion to amend was agreed to, the States voting:

Yea: Alabama, Florida, Georgia, and Texas.

Nay: Louisiana, Mississippi, and South Carolina.

The motion prevailed, and the clause as amended is as follows:

All bills appropriating money shall specify in federal currency the exact amount of each appropriation and the purposes for which it is made; and Congress shall not grant extra compensation to any officer, agent, servant, or public contractor after such service shall have been performed or contract entered into for the performance of the same.

The twelfth clause of the same section having been read as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

Mr. Cobb moved to amend the same by inserting after the word "thereof" the following words:

or requiring of any citizen to perform secular labor on Sunday, except in cases of absolute necessity.

Mr. Toombs demanded the question; which was seconded, and, at the instance of the State of South Carolina, the yeas and nays of the entire body were called for and recorded as follows:

Alabama—Nay: Messrs. Walker, Smith, Curry, Hale, Shorter, Lewis, and Fearn.

Florida—Yea: Messrs. Morton and Anderson.

Georgia—Yea: Messrs. Howell Cobb, Nisbet, Hill, and Thomas R. R. Cobb. Nay: Messrs. Toombs, Bartow, and Stephens.

Louisiana—Yea: Mr. Sparrow. Nay: Messrs. De Clouet, Conrad, Kenner, and Marshall.

Mississippi—Yea: Messrs. Brooke and Clayton. Nay: Messrs. Wilson, Barry, and Harrison.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, and Memminger. Nay: Messrs. Chesnut, Miles, Withers, and Boyce.

Texas—Nay: Messrs. Reagan, Waul, Gregg, Oldham, and Ochiltree.



Yea: Florida and Georgia, 2.

Nay: Alabama, Louisiana, Mississippi, and Texas, 4.

South Carolina divided.

Yeas 2, nays 4.

So the motion was lost.

Mr. Withers moved to amend the clause by adding thereto the following: "such as the delegated powers herein contained may authorize Congress to redress."

At the instance of the State of Texas, the yeas and nays thereon were required to be recorded, and are as follows:

Alabama—Yea: Messrs. Smith, Hale, and Lewis. Nay: Messrs. Walker, Curry, Shorter, and Fearn.

Florida—Nay: Messrs. Morton and Anderson.

Georgia—Yea: Messrs. Howell Cobb, Hill, and Stephens. Nay: Messrs. Toombs, Bartow, Nisbet, and Thomas R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, and Marshall. Nay: Mr. Sparrow.

Mississippi—Yea: Messrs. Brooke, Clayton, Barry, and Harrison. Nay: Mr. Wilson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Yea: Messrs. Waul and Gregg. Nay: Messrs. Reagan, Oldham, and Ochiltree.

Yea: Louisiana, Mississippi, and South Carolina, 3.

Nay: Alabama, Florida, Georgia, and Texas, 4.

So the motion to amend was lost.

Mr. Memminger offered the following as a separate clause of the ninth section, to come in after the fourteenth clause, viz:

Upon the demand of the convention of any State, all troops under the authority of the Confederate States which may be within any fort or ceded place within such State shall forthwith be removed, except when the Confederate States are in actual war with a foreign power.

Mr. Stephens demanded the question; and on the question to second the demand, the vote being taken by States is as follows:

Yea: Florida, Mississippi, and South Carolina.

Nay: Alabama, Georgia, Louisiana, and Texas.

The Congress refused to second the demand.

Mr. Boyce moved to amend the amendment of Mr. Memminger by striking out the same and inserting in lieu thereof the following words, viz:

That the right of secession of any State from this Confederacy is expressly admitted, to be exercised by any State according to its pleasure. That while a State remains in the Confederacy, the decisions of the Supreme Court of the Confederate States on constitutional questions shall be conclusive in all cases capable of decision by legal process. That in such cases as do not admit of decision by legal process, a convention of all the States shall be assembled, in which convention the decision of the majority of the States shall be conclusive, subject only to the right of secession of the State or States dissatisfied.

Mr. Kenner moved to lay the amendment offered by Mr. Memminger and the amendment to the same offered by Mr. Boyce on the table, and called for the question.

The question was seconded, and the motion to lay on the table prevailed, the States voting as follows:

Yea: Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

Nay: South Carolina.

Mr. Kenner offered the following as an additional clause to the section, to wit:

Every law, or resolution having the force of law, enacted by the Congress shall embrace but one object, and that shall be expressed in the title.

On motion of Mr. Conrad, the same was amended by striking out the word "embrace" and insert in lieu thereof the words "relate to," so as amended to read as follows:

20. Every law, or resolution having the force of law, enacted by the Congress shall relate to but one subject, and that shall be expressed in the title.

Mr. Stephens demanded the question; which was seconded, and the amendment as amended was agreed to.

The eighteenth clause of the ninth section having been read as follows:

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the Confederacy, than according to the rules of the common law.

On motion of Mr. Sparrow, the word "so" was inserted after the word "fact," where it first occurs, so that it will read "and no fact so tried by a jury," etc.

The first clause of the tenth section having been read as follows:

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

Mr. Kenner moved to amend the same by adding thereto the following words: "or pass any law denying or impairing the right of property in negro slaves."

Mr. Rhett moved to amend the amendment by adding to the same the following words:

Nor shall any State remain in this Confederacy which does not authorize the institution of slavery within its limits.

Mr. Conrad moved to lay the amendment and the amendment to the amendment on the table for the present.

Mr. Chesnut demanded the question; which was seconded, and the vote having been taken by States is as follows:

Yea: Alabama, Georgia, Mississippi, and South Carolina.

Nay: Louisiana.

Florida and Texas being divided.

The motion prevailed.

The third clause having been read, which prohibited a State from laying duties of tonnage, keeping troops and ships of war in time of peace, and entering into compacts with another State or with a foreign power, or engaging in war except in certain cases, etc.,

Mr. Marshall having proposed to amend the same, and Mr. Reagan moving an amendment in lieu thereof,

On motion of Mr. Kenner, the consideration of the clause and amendments was postponed for the present, and Congress proceeded to consider the first clause of the first section of the second article of the Constitution; which is as follows:

The executive power shall be vested in a President of the Confederate States of America. He shall hold his office during the term of six years, and, together with the Vice-President chosen for the same term, be elected as follows.

Mr. Rhett moved to amend the same by striking out the words

He shall hold his office during the term of six years, and, together with the Vice-President chosen for the same term, be elected as follows,

And insert in lieu thereof the following words, to wit:

He and the Vice-President shall hold their offices for the term of six years; but the President shall not be eligible again to the Presidency until six years after the expiration of his term of service. The President and Vice-President shall be elected as follows.

Mr. Nisbet moved to amend the amendment by striking out the word "six" and inserting in lieu thereof the word "eight."

Mr. Cobb moved to lay the amendment and the amendment to the amendment on the table and demanded the question; which was seconded, and the vote being taken by States is as follows:

Yea: Georgia and Texas.

Nay: Alabama, Florida, Louisiana, Mississippi, and South Carolina.

The motion was lost.

The question recurring on the motion of Mr. Nisbet, the same was lost.

Mr. Boyce moved to amend the amendment of Mr. Rhett by striking out the following words: "eligible again to the Presidency until six years after the expiration of his term of service" and adding after the words "shall not be" the word "reeligible." The vote being taken by States is as follows:

Yea: Alabama, Florida, Louisiana, Mississippi, South Carolina, and Texas.

Nay: Georgia.

The motion prevailed.

Mr. Memminger moved to amend the amendment by striking out the word "six" and inserting in lieu thereof the word "seven," and the vote thereon being taken by States is as follows:

Yea: Alabama, Georgia, and Texas.

Nay: Louisiana, Mississippi, and South Carolina.

Florida divided.

The motion was lost.

The question recurring on the amendment of Mr. Rhett as amended, the same was agreed to, and the clause as amended is as follows:

The executive power shall be vested in a President of the Confederate States of America. He and the Vice-President shall hold their offices for the term of six years; but the President shall not be reeligible. The President and Vice-President shall be elected as follows.

The second, third, fourth, fifth, and sixth clauses, relating to the mode of choosing electors to vote for President and Vice-President, and relating to the manner in which they should choose a President and Vice-President [*sic.*],

Mr. Brooke offered an amendment in lieu thereof.

Mr. Miles also offered an amendment relating to the same subject.

On motion of Mr. Stephens, the consideration of the same was postponed for the present.

The seventh clause having been read; which is as follows:

No person except a natural-born citizen or a citizen of the Confederate States at the time of the adoption of this Constitution shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

Mr. Rhett moved to amend the same by inserting after the words "the Confederate States" the words "or of the United States."

Mr. Hill moved to lay the amendment on the table and demanded the question: which was seconded, and the motion prevailed.

Mr. Waul moved to postpone the consideration of the clause for the present.

The motion was lost.

On motion of Mr. Stephens, the paragraph was amended by inserting after the words "a natural-born citizen" the words "of one of the States composing this Confederacy at the time of the election."

Mr. Cobb moved to amend the clause by inserting after the words "at the time of" the words "or within two years after."

Mr. Hill demanded the question; which was seconded, and the motion of Mr. Cobb was lost.

Mr. Curry moved to amend the clause by striking out the words "at the time of" and inserting in lieu thereof the words "who was born in the United States prior to;" which motion was lost.

The section as amended reads as follows:

No person except a natural-born citizen of one of the States composing this Confederacy at the time of the election, or a citizen of the Confederate States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

The ninth clause containing the following words:

The President shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished.

On motion of Mr. Withers, the same was amended by striking out the word "or" and inserting in lieu thereof the word "nor."

On motion of Mr. Harris, the subject-matters contained in the Constitution and passed over informally by the Congress, together with the amendments thereto, were referred to a select committee of one from each State, to be appointed by the President of the Congress.

On motion of Mr. Walker, the seventh clause was also referred to the same committee.

Convention resolved itself in Congress.

#### THURSDAY, MARCH 7, 1861.

The Congress having resolved itself in Convention, proceeded to the consideration of the Constitution of the Confederate States of America.

Mr. Keitt moved to reconsider the vote on the motion of Mr. Harris by which a select committee was appointed to whom should be referred those clauses of the Constitution passed over informally; which motion prevailed.

Mr. Harris then withdrew his motion.

Mr. Hill moved to amend the report of the committee by striking out Article VII; which is as follows:

The ratification of the conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same,

And inserting in lieu thereof the following, viz:

##### *Section 1.*

1. No State, while remaining a member of this Confederation, shall nullify or refuse to obey this Constitution, or any law passed by the Congress of the Confederate States.



2. Any State, by a convention of the people of such State, shall have the right to demand an issue to try the constitutionality of any law of the Congress of the Confederate States. Such issue shall be tried in a manner to be prescribed by Congress, by a court to be composed of the judges of the Supreme Court of the Confederate States, and of the chief justice of the State demanding the issue.

3. On complaint made by any citizen, body politic or corporate aggrieved, the President of the Confederate States may, and it is hereby made his duty, in a manner to be prescribed by Congress, to order an issue to try the constitutionality of any law, order or regulation of any one of the States of this Confederation, annulling, violating or impairing this Constitution or any law of the Congress of the Confederate States. Such issue shall be tried in a manner to be provided by Congress, and, after proper notice to the offending State, by the Supreme Court of the Confederate States.

4. If any State shall fail or refuse to conform to a decision of the court on any issue tried under this section, the Congress of the Confederate States may withdraw from such States all or any portion of the privileges and benefits of this Confederation, without releasing such State from the duties and obligations thereof.

#### *Section 2*

1. When any State shall desire to withdraw from this Confederation, such desire shall be communicated to the Congress of the Confederate States, through a convention of the people of such State, specifically setting forth the causes of such desire to withdraw.

2. Congress shall consider of such alleged grievances, and, on failure to redress or accommodate the same, to the satisfaction of the complaining State and of the Confederate States, shall arrange with such State an equitable division of the public property, and a peaceable withdrawal from the Confederation.

3. But no State by withdrawing from this Confederation in the manner herein provided, nor in any other manner, shall be discharged or released from the obligation to pay a due proportion of the public debt existing at the time of such withdrawal; and such withdrawal shall, moreover, oblige the State withdrawing to account with the Confederate States for all expenditures made, or liabilities incurred by the Confederate States, in acquiring, securing, fortifying or defending the territory or jurisdiction of such State.

Mr. Chesnut moved to amend the amendment of Mr. Hill by striking out the same and inserting in lieu thereof the following, to wit:

The right of a State to secede from the Confederacy shall not be denied. And whenever any State, through a convention of its people, shall dissolve the connection between it and its confederates, it shall be the duty of the President to withdraw all forces from within the territorial limits of such State, and permit it peacefully to withdraw.

According to previous order of the Congress, the consideration of the amendment and the amendment to the amendment was postponed and they were ordered to be printed.

The third clause of the second section [of the second article] having been read as follows, to wit:

3. All the civil officers in all the Executive Departments (except the principal officer in each, and such as may be connected with the diplomatic service) shall hold their offices for the term of four years from the time of their appointments unless otherwise provided by law; but they may be removed from office at any time by the President, or other appointing power, for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

Mr. Barry moved to amend by striking out the same and inserting in lieu thereof the following, to wit:

The principal officer in each of the Departments, and such as may be connected with the diplomatic service, may be removed at the pleasure of the President; and all other civil officers of all the Executive Departments may be removed from office at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor;

which amendment was agreed to.

The vote having been taken by States is as follows:

Yea: Georgia, Louisiana, Mississippi, South Carolina, and Texas.

Nay: Alabama and Florida.

The first clause of section 1 of Article III being as follows:

1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Mr. Cobb moved to amend the same by striking out the word "both" and the words "and inferior courts" and inserting the word "court" in lieu of the word last mentioned; which motion was lost.

The second section being as follows, to wit:

1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State, where the State is plaintiff; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects; but no State shall be sued by a citizen or subject of any foreign State.

Mr. Smith moved to amend the same by adding thereto the following:

but the extent of admiralty and maritime jurisdiction shall be subject to the control of Congress;

which motion was lost.

Mr. Stephens moved to amend the same by striking therefrom the words "between citizens of different States."

Mr. Stephens demanded the question; which was seconded, and, at the instance of the State of Georgia, the yeas and nays of the entire body were called for and ordered to be spread on the Journal, and are as follows:

Alabama—Yea: Messrs. Curry, Hale, Shorter, and Lewis. Nay: Messrs. Walker, Smith, Chilton, McRae, and Fearn.

Florida—Yea: Messrs. Morton, Anderson, and Owens.

Georgia—Yea: Messrs. Howell Cobb, Thomas R. Cobb, and Stephens. Nay: Messrs. Toombs, Bartow, Nisbet, and Hill.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris, Brooke, Barry, and Harrison. Nay: Mr. Wilson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, and Withers.

Texas—Yea: Messrs. Reagan, Waul, Gregg, Oldham, and Ochiltree.

Yea: Florida, Louisiana, Mississippi, South Carolina, and Texas, 5.

Nay: Alabama and Georgia, 2.

The motion prevailed.

Mr. Sparrow moved to amend the clause by striking therefrom the words "between a State and citizens of another State, where the State is plaintiff."

The motion was lost.

Mr. Sparrow moved to amend by striking out the words "between citizens of the same State claiming lands under grants of different States."

The vote having been taken by States is as follows:

Yea: Louisiana.

Nay: Alabama, Florida, Georgia, Mississippi, South Carolina, and Texas.

The motion was lost.

Mr. Conrad moved to postpone for the present the consideration of the clause and subject-matter.

The motion was lost.

Mr. Waul moved to amend the same by striking therefrom the words "citizens or subjects."

The vote being taken by States is as follows:

Yea: Florida, Louisiana, and Texas.

Nay: Alabama, Georgia, Mississippi, and South Carolina.

The motion was lost.

Mr. Withers moved to amend the same by inserting after the words "shall be a party" the words "except those of a political nature with one or more of the separate States."

The motion was lost.

Mr. Withers moved to amend the same by adding to the end of the clause the following words: "or in any case except by its own consent."

The motion was lost.

Mr. Rhett moved to amend the clause by inserting after the words "citizens or subjects" the words "who by treaty have the power to sue or be sued."

The motion was lost.

Mr. Cobb moved to amend by inserting after the words "shall be made, under their authority" the words "whether the same be pending in a Federal or State court."

Mr. Rhett demanded the question; which was seconded, and the motion was lost.

Mr. Hill, at the instance of the State of Georgia, moved to reconsider the vote by which the Convention agreed, on the motion of Mr. Stephens, to strike from the said clause the words "between citizens of different States."

The motion prevailed.

The question then being on the motion of Mr. Stephens to strike out said words,

Mr. Oldham demanded the question; which was seconded, and the motion prevailed, the States voting as follows, to wit:

Yea: Florida, Louisiana, Mississippi, South Carolina, and Texas.

Nay: Alabama and Georgia.

Mr. Sparrow moved to reconsider the vote taken refusing to strike out from the clause the words "citizens or subjects."

Mr. Ochiltree demanded the question; which was seconded, and the motion prevailed, and the question then being on the motion of Mr. Waul to strike out the words "citizens or subjects,"

Mr. Keitt demanded the question; which was seconded.

The vote being taken by States, the motion was lost, the States voting as follows, viz:

Yea: Louisiana, South Carolina, and Texas.

Nay: Alabama, Georgia, and Mississippi.  
Florida divided.

At the instance of the State of Texas, the yeas and nays of the entire body were ordered to be spread on the Journal, and are as follows:

Alabama—Yea: Mr. McRae. Nay: Messrs. Walker, Smith, Curry, Chilton, Hale, Shorter, Lewis, and Fearn.

Florida—Yea: Messrs. Morton and Owens. Nay: Mr. Anderson.

Georgia—Yea: Messrs. Howell Cobb, Thomas R. R. Cobb, and Hill.  
Nay: Messrs. Toombs, Bartow, Nisbet, and Stephens.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Brooke and Harrison. Nay: Messrs. Harris, Wilson, Clayton, and Barry.

South Carolina—Nay: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Yea: Messrs. Waul, Gregg, Oldham, and Ochiltree.

Mr. Withers moved to amend the same by striking out the following words: "but no State shall be sued by a citizen or subject of any foreign State."

Mr. Keitt demanded the question; which was seconded, and the motion was lost.

The clause as amended reads as follows, viz:

The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State, where the State is plaintiff; between citizens of the same State or of different States claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects; but no State shall be sued by a citizen or subject of any foreign State.

The second clause of the section being as follows:

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Mr. Memminger moved to amend the same by adding to the end thereof the words

but the appellate jurisdiction of the Supreme Court shall not extend to any case which shall have been adjudged in any court of a State.

Mr. Memminger demanded the question; which was seconded, and, at the instance of the State of Texas, the yeas and nays of the whole body were required to be taken and spread on the Journal.

They are as follows:

Alabama—Yea: Messrs. Walker, Curry, McRae, and Shorter. Nay: Messrs. Smith, Chilton, Hale, Lewis, and Fearn.

Florida—Yea: Mr. Anderson. Nay: Mr. Morton.

Georgia—Nay: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, Thomas R. R. Cobb, and Stephens.

Louisiana—Yea: Messrs. De Clouet, Kenner, Sparrow, and Marshall. Nay: Mr. Conrad.

Mississippi—Yea: Mr. Harrison. Nay: Messrs. Harris, Brooke, Wilson, Clayton, and Barry.



South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, and Withers.

Texas—Yea: Messrs. Reagan, Waul, Gregg, Oldham, and Ochiltree.

Yea: Louisiana, South Carolina, and Texas.

Nay: Alabama, Georgia, and Mississippi.

Divided: Florida.

The motion was lost.

Mr. Hale moved to amend the same clause by adding to it the following words, viz:

And Congress may provide by law for appeals from the State courts to the Supreme Court in all cases arising under this Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority.

Mr. Smith demanded the question; which was seconded, and, at the instance of the State of South Carolina, the yeas and nays of the entire body were recorded, and are as follows:

Alabama—Yea: Messrs. Smith, Chilton, Hale, Shorter, Lewis, and Fearn. Nay: Messrs. Walker, Curry, and McRae.

Florida—Yea: Mr. Morton. Nay: Mr. Anderson.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, Thomas R. R. Cobb, and Stephens.

Louisiana—Yea: Mr. Conrad. Nay: Messrs. De Clouet, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Brooke, Clayton, and Barry. Nay: Messrs. Harris, Wilson, and Harrison.

South Carolina—Nay: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, and Withers.

Texas—Nay: Messrs. Wigfall, Waul, Gregg, Oldham, and Ochiltree.

The motion was lost.

Mr. Withers moved to amend the clause by striking out the words "both as to law and fact;" which motion was lost.

The first section of the fourth article being as follows:

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Mr. Hill moved to amend the same by adding thereto the following:

And upon any judgment or decree rendered in a court of record of any one of the Confederate States upon personal service, an action may be maintained at any time within six years from the rendition of such judgment or decree in the proper court of any other State in which the defendant may reside.

Mr. Brooke demanded the question; which was seconded, and the motion was lost.

The first clause of the second section being as follows, to wit:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Mr. Hale moved to amend the same by adding thereto the following:

and shall have the right of transit through and temporary residence in any other State of this Confederacy, with their slaves and other property; and the right of property in such slaves shall not be thereby impaired.

Mr. Stephens demanded the question; which was seconded, and the motion was agreed to.

Mr. Smith moved to amend the same clause by adding thereto the words "and the courts of each State shall always remain open to the citizens of every other State."

Mr. Conrad moved to lay the amendment on the table.

Mr. Stephens demanded the question: which was seconded, and the motion to lay on the table prevailed.

The clause as amended reads as follows, viz:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States; and shall have the right of transit through and temporary residence in any other State of this Confederacy, with their slaves and other property; and the right of property in such slaves shall not be thereby impaired.

The third clause of the second section having been read, viz:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor: but shall be delivered up on claim of the party to whom such service or labor is due.

Mr. Keitt moved to amend the same by striking out these words: "No person held to service or labor in one State, under the laws thereof" and inserting in lieu of the same the words "No slave or other person held to service or labor in one State."

Mr. Keitt demanded the question: which was seconded, and the vote having been taken by States is as follows:

Yea: Alabama, Florida, Louisiana, Mississippi, South Carolina, and Texas.

Nay: Georgia.

The motion prevailed.

Mr. Rhett moved to amend the clause as amended by striking out the same and inserting in lieu thereof the following words:

A slave or other person held to service or labor in a State or Territory, escaping into another State or Territory, shall be delivered up, on claim of the party (personally or by his agent) to whom such slave or person may belong, by the executive authority of the State to which said slave or person shall have fled; and in case of the failure of the executive to deliver up a slave, or of any abduction or forcible rescue, full compensation (including the value of the slave and all costs and expenses) shall be made to the party by the State to which said slave may have fled.

Mr. Hill moved to amend the amendment by striking out the same and inserting in lieu thereof the words as follows:

No person held to service or labor in one State, under the laws thereof, escaping into another, or who, being temporarily carried into another, shall escape or be unlawfully taken or enticed away, shall, in consequence of any law or regulation therein, be discharged from such service or labor: but such person shall be delivered up on claim of the party to whom such service or labor may be due. The person to whom such service or labor may be due, and who shall be prevented in any State from recovering the person so escaping or so unlawfully taken or enticed away, shall be entitled to be paid from the Treasury of the Confederate States the proven value of the person owning [owing] such service or labor, together with the expenses incurred in recovering or attempting to recover such person. And the Confederate States shall, in such manner as Congress may prescribe, recover from the State in which such damage occurred the full amount so paid, with interest until paid, and all expenses incurred in recovering such amount from such State.

Mr. Walker moved to lay the amendment and the amendment to the amendment on the table, and on that motion demanded the question: which was seconded, and the motion to lay on the table prevailed.

Mr. Hale moved to amend the clause by inserting after the word "State" the words "or a Territory of the Confederate States" and after

the word "escaping" the words "or lawfully carried," and on the motion demanded the question; which was seconded, and the amendment was agreed to.

Mr. Stephens moved to amend the clause by inserting after the words "the party to whom" the words "such slave belongs or to whom."

The motion prevailed.

The clause as amended reads as follows:

No slave or other person held to service or labor in one State or a Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor: but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

The first clause of the third section being as follows:

1. New States may be admitted by the Congress into this Confederacy, by a vote of two-thirds of each House; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

Mr. Miles moved to amend the same by adding at the end thereof the following words, viz:

And no State shall be admitted which, by its constitution or laws, denies the right of property in slaves of the African race, or does not fully protect such property by legal enactment.

Mr. Stephens moved to postpone for the present the consideration of the clause and the amendment thereto.

Mr. Waul demanded the question; which was seconded, and the vote having been taken by States is as follows:

Yea: Georgia, Louisiana, and South Carolina.

Nay: Alabama, Florida, Mississippi, and Texas.

The motion was lost.

Mr. Harris moved to amend the amendment by striking out the same and inserting in lieu thereof:

But no nonslaveholding State shall be admitted except by the consent of all the States expressed through their legislatures.

Mr. Harris demanded the question; which was seconded, and the vote having been taken by States is as follows:

Yea: Alabama, Florida, Mississippi, South Carolina, and Texas.

Nay: Georgia and Louisiana.

At the instance of the State of Louisiana, the yeas and nays of the entire body were required to be spread upon the Journal, and are as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, and Shorter.

Florida—Yea: Messrs. Morton, Anderson, and Owens.

Georgia—Yea: Messrs. Nisbet, Hill, and Stephens. Nay: Messrs. Howell Cobb, Bartow, Wright, and Thomas R. R. Cobb.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris, Clayton, Barry, and Harrison. Nay: Messrs. Brooke and Wilson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, and Withers. Nay: Mr. Miles.

Texas—Yea: Messrs. Waul, Gregg, Oldham, and Ochiltree.

Yea: Alabama, Florida, Mississippi, South Carolina, and Texas.

Nay: Georgia and Louisiana.

The motion prevailed.

Mr. Rhett, at the instance of the State of South Carolina, moved to reconsider the vote by which the amendment offered by Mr. Harris as a substitute for the amendment offered by Mr. Miles was adopted.

Mr. Kenner demanded the question; which was seconded, and the motion to reconsider prevailed, the States voting as follows:

Yea: Alabama, Florida, Louisiana, South Carolina, and Texas.

Nay: Georgia.

Mississippi divided.

Convention resolved itself in Congress.

### FRIDAY, MARCH 8, 1861.

The Congress having resolved itself in convention, proceeded to the consideration of the Constitution of the Confederate States of America.

On motion of Mr. Stephens, by unanimous consent, the action of the Convention on the seventh clause of the first section of the second article, defining who shall be eligible to the office of President, was reconsidered and amended so as to read:

No person except a natural-born citizen, being a native of one of the States composing this Confederacy at the time of the election, or a citizen of the Confederate States at the time of the adoption of this Constitution, etc.

The pending question being on the motion of Mr. Harris to the amendment of Mr. Miles,

Mr. Harris withdrew his amendment.

Mr. Perkins moved to amend the amendment of Mr. Miles by striking out the same and inserting in lieu thereof the words as follows: "*Provided*, That no nonslaveholding State shall be admitted into this Confederacy."

Mr. Hill moved to lay the amendment to the amendment on the table.

Mr. Hale demanded the question; which was seconded, and, at the instance of the State of Georgia, the yeas and nays of the entire body thereon were recorded, and are as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, and Fearn. Nay: Mr. Shorter.

Florida—Nay: Messrs. Morton, Anderson, and Owens.

Georgia—Yea: Messrs. Toombs, Hill, Wright, and Stephens. Nay: Messrs. Howell Cobb, Bartow, Nisbet, and T. R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison.

South Carolina—Yea: Messrs. Chesnut and Boyce. Nay: Messrs. Rhett, Barnwell, Memminger, Miles, and Withers.

Texas—Yea: Messrs. Reagan, Oldham, and Ochiltree. Nay: Messrs. Waul and Gregg.

Yea: Alabama, Louisiana, Mississippi, and Texas, 4.

Nay: Florida and South Carolina, 2.

Divided: Georgia, 1.

The motion prevailed.



Mr. Cobb moved to amend the same clause by adding to the end of the same the following words, viz:

But no State shall be admitted which, by its constitution or laws, denies the right of property in negro slaves, or the right of the master to recapture his slave.

Mr. Cobb demanded the question; which was seconded, and, at the instance of the State of Georgia, the yeas and nays of the entire body were recorded, and are as follows:

Alabama—Yea: Mr. Shorter. Nay: Messrs. Walker, Smith, Curry, Chilton, Hale, and Fearn.

Florida—Yea: Messrs. Morton, Anderson, and Owens.

Georgia—Yea: Messrs. Howell Cobb, Bartow, Nisbet, Hill, T. R. R. Cobb, and Stephens. Nay: Messrs. Toombs and Wright.

Louisiana—Yea: Messrs. Perkins, Kenner, Sparrow, and Marshall. Nay: Messrs. De Clouet and Conrad.

Mississippi—Nay: Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison.

South Carolina—Yea: Messrs. Rhett, Barnwell, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Reagan, Waul, Gregg, and Oldham.

Yea: Florida, Georgia, Louisiana, and South Carolina, 4.

Nay: Alabama, Mississippi, and Texas, 3.

The amendment was agreed to.

Mr. Walker, at the instance of the State of Alabama, moved to reconsider the vote just taken.

Mr. Marshall demanded the question; which was seconded, and, at the instance of the State of Georgia, the yeas and nays of the entire body were recorded, and are as follows:

Alabama—Yea: Messrs. Walker, Smith, Chilton, Hale, and Fearn. Nay: Mr. Shorter.

Florida—Nay: Messrs. Morton, Anderson, and Owens.

Georgia—Yea: Messrs. Toombs, Hill, Wright, and Stephens. Nay: Messrs. Howell Cobb, Bartow, Nisbet, and T. R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall. Nay: Mr. Perkins.

Mississippi—Yea: Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison.

South Carolina—Nay: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Yea: Messrs. Waul, Gregg, and Oldham. Nay: Mr. Ochiltree.

Yea: Alabama, Louisiana, Mississippi, and Texas, 4.

Nay: Florida and South Carolina, 2.

Divided: Georgia, 1.

The motion to reconsider prevailed.

The question then recurred on the amendment of Mr. Cobb.

Mr. Stephens demanded the question; which was seconded, and, at the instance of the State of South Carolina, the yeas and nays of the entire body were recorded, and are as follows:

Alabama—Yea: Messrs. McRae and Shorter. Nay: Messrs. Walker, Smith, Chilton, Hale, and Fearn.

Florida—Yea: Messrs. Morton, Anderson, and Owens.

Georgia—Yea: Messrs. Howell Cobb, Bartow, Nisbet, and T. R. R. Cobb. Nay: Messrs. Toombs, Hill, Wright, and Stephens.

Louisiana—Yea: Mr. Perkins. Nay: Messrs. De Clouet, Conrad, Kenner, Sparrow, and Marshall.

Mississippi—Nay: Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Nay: Messrs. Waul, Gregg, and Oldham.

Yea: Florida and South Carolina.

Nay: Alabama, Louisiana, Mississippi, and Texas.

Divided: Georgia.

The motion of Mr. Cobb to amend was lost.

Mr. Withers moved to amend the clause by striking out the following words, viz:

New States may be admitted by the Congress into this Confederacy by a vote of two-thirds of each House,

and inserting in lieu thereof the words:

Other States may be admitted into this Confederacy by a vote of two-thirds of the whole representation of each House of Congress; the vote of the Senate to be counted by States.

The motion was lost.

Mr. Withers moved to amend the clause by striking out the word "New" and inserting in lieu thereof the word "Other;" which motion prevailed.

The second clause having been read as follows:

The Congress shall have power to dispose of and make all needful rules and regulations concerning the lands or other property of the Confederate States.

On motion of Mr. Withers, the words "concerning the lands or other property of the Confederate States" were amended so as to read as follows:

The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

The third clause having been read as follows:

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, so long as it remains in a territorial condition, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial government; and the citizens of the Confederate States shall have the right to take to such territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

Mr. Withers moved to amend the same by striking out the words "and the citizens of the Confederate States," etc., and inserting in lieu thereof the words "and the inhabitants of the several Confederate States or Territories."

The motion prevailed.

Mr. Curry moved to amend the same by striking out the following words: "so long as it remains in a territorial condition."

The motion prevailed.

The clause as amended reads as follows, to wit:

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may

permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial government: and the inhabitants of the several Confederate States or Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

On motion of Mr. Clayton, the following was added as an additional section to the fourth article, viz:

*Section 4.*

The Confederate States shall guaranty to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government; and shall protect each of them against invasion; and on application of the legislature, (or of the executive, when the legislature is not in session,) against domestic violence.

The first division of the first clause of the first section of the fifth article being as follows:

Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting.

Mr. De Clouet moved to amend the same by adding to the end thereof the following words: "at the time when the said demand is made."

The motion prevailed.

On motion of Mr. Reagan, the same was further amended by striking out the words "any three" and inserting in lieu thereof the words "one-third of the."

The clause so far as reported and amended reads as follows:

Upon the demand of one-third of the States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall [concur] in suggesting at the time when the [said] demand is made.

The following words occurring in the same clause, viz: "and should any of the proposed amendments to the Constitution be agreed on by the said Convention,"

Mr. Hill moved to amend the same by inserting after the word "Constitution" the words "in the form suggested, or in any other form."

The motion was lost, and the Convention proceeded to consider the first section of the sixth article.

Mr. Conrad moved to amend the words "and all laws passed by the latter shall continue in force until the same are repealed or modified" by striking out the word "are" and inserting in lieu thereof the words "shall be;" which motion prevailed, and the words as amended read as follows: "and all laws passed by the latter shall continue in force until the same shall be repealed."

The third clause having been read as follows:

The Confederate States recognize their ultimate liability for such proportion of the debts contracted by the United States of America prior to the twentieth day of December, eighteen hundred and sixty, as the representative population of the United States according to the last census thereof.

Mr. Curry moved to amend the same by striking out the words "last census" and inserting in lieu thereof the words "census of eighteen hundred and sixty;" which motion prevailed.

Mr. Hale moved to amend by striking out the whole clause.

Mr. Rhett, at the instance of the State of South Carolina, moved to reconsider the vote by which the amendment offered by Mr. Reagan to strike out the words "any three," where they first occur, in the first section of Article V was adopted.

The motion to reconsider prevailed, and the amendment offered by Mr. Reagan to strike out the words "any three" and insert in lieu thereof the words "[one-third] of the" was lost.

The question being on the motion of Mr. Hale to strike out the third clause of the sixth article,

Mr. Keitt moved to amend the clause by adding thereto the following words:

and as may be ascertained to be due upon an adjustment of the claims of these Confederate States and the United States.

Mr. Keitt demanded the question; which was seconded, and the motion to amend was lost.

The question recurring on the motion to strike out,

Mr. Stephens demanded the question; which was seconded, and the motion to strike out the clause prevailed.

The fourth clause being as follows:

4. This Constitution, and the laws of the Confederate States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Mr. Gregg moved to amend the same by striking therefrom the following words:

This Constitution, and the laws of the Confederate States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land,

And to insert in lieu thereof the following words:

This Constitution, and the laws of the Confederate States which shall be made in pursuance thereof, and all treaties made, or which shall be made, by the Confederate States, under the authority of the same, shall be the supreme law of the land.

Mr. Stephens demanded the question; which was seconded, and the motion to amend was lost.

The sixth clause of the sixth article being as follows.

The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Mr. Miles moved to amend the same by adding thereto the words "of the several States;" which was agreed to.

Mr. Kenner offered the following resolution:

*Resolved*, That the Committee on the Permanent Constitution appoint from their number a subcommittee of three, to whom shall be referred the Constitution, with instructions to perfect its style and arrangement, and have the same printed and reported for revisal at the earliest possible day;

which was adopted.

Mr. Cobb, at the instance of the State of Georgia, moved to reconsider the vote by which the motion of Mr. Cobb to amend the twelfth clause of the ninth section of the first article was lost.

The motion to reconsider was postponed for the time.

Convention resolved itself into Congress.



## SATURDAY, MARCH 9, 1861.

Congress having resolved itself in Convention, proceeded to the consideration of those parts of the Constitution of the Confederate States of America which had been passed over informally;

When,

On motion of Mr. Cobb, the motion of Mr. Stephens (which prevailed) to amend the seventh clause of the first section of the second article was reconsidered.

The question then recurring on the motion of Mr. Stephens to amend the section, it was disagreed to.

Mr. Walker moved to amend the clause so as to read as follows:

No person except a natural-born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the twentieth of December, eighteen hundred and sixty, shall be eligible to the office of President, etc.

Mr. Withers moved to amend the amendment by striking out the same and inserting in lieu thereof the following, to wit:

Only a native born of some one of the States composing the Confederate States of America at the period of the election, including one born of such, temporarily absent beyond the limits of the Confederate States, or a citizen of the Confederate States of America at the time of the adoption of this Constitution, or a citizen thereof and born within the United States of America prior to January first, eighteen hundred and sixty-one.

The motion was lost.

The motion of Mr. Walker to amend was agreed to.

The question then being on the motion to reconsider the amendment of Mr. Keitt to the third clause of the second section of the first article, apportioning Representatives and direct taxes among the several States of the Confederacy according to their respective numbers, excluding Indians not taxed,

Mr. Harris demanded the question; which was seconded, and the motion prevailed, the States voting as follows:

Yea: Alabama, Georgia, Mississippi, and Texas.

Nay: Florida, Louisiana, and South Carolina.

The question recurring then on the motion of Mr. Keitt to amend the clause, at the instance of the State of South Carolina, the yeas and nays of the entire body were recorded, and they are as follows, to wit:<sup>a</sup>

Mr. Nisbet moved to amend the same clause defining that "The number of Representatives shall not exceed one for every fifty thousand" by striking out the word "fifty" and inserting in lieu thereof the word "eighty."

The vote being called for by States, is as follows:

Yea: Georgia.

Nay: Alabama, Florida, Louisiana, Mississippi, South Carolina, and Texas.

The motion was lost.

Mr. Kenner moved to amend the same by inserting after the words "and until such enumeration be made" the words

the representative number shall be seventy thousand; and in each State where there is found a fraction greater than one-half of the representative number, one additional Representative shall be allowed that State.

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<sup>a</sup>The yeas and nays are not recorded in the Journal.

The vote thereon being taken by States is as follows:

Yea: Florida, Louisiana, and South Carolina.

Nay: Alabama, Georgia, Mississippi, and Texas.

The motion was lost.

Mr. Chesnut moved to amend in the words "the State of South Carolina six" by striking out the word "six" and inserting in lieu thereof the word "seven."

The motion was lost.

Mr. Barry moved to amend the same by giving to the State of South Carolina until an enumeration was made, according to the basis adopted, nine Representatives.

And the vote thereon being taken by States is as follows:

Yea: Louisiana, Mississippi, and South Carolina.

Nay: Alabama, Florida, Georgia, and Texas.

The motion was lost.

Mr. Boyce moved to amend the clause by restricting the number of Representatives that all the States should be entitled to to 100.

The vote thereon being taken by States is as follows, viz:

Nay: Alabama, Florida, Georgia, Louisiana, Mississippi, and South Carolina.

Texas divided.

The motion was lost.

Mr. Rhett moved to reconsider the vote taken by which the amendment offered by Mr. Barry to this clause was rejected, and the vote thereon being taken by States is as follows:

Yea: Louisiana, Mississippi, South Carolina, and Texas.

Nay: Alabama, Florida, and Georgia.

The motion prevailed.

The question being on the amendment offered by Mr. Barry,

Mr. Rhett moved to amend the same by adding thereto the State of Georgia 15 instead of 10, the State of Alabama 13 instead of 9, the State of Florida 2 instead of 2, the State of Mississippi 11 instead of 7, the State of Louisiana 9 instead of 6, and the State of Texas 9 instead of 6.

Mr. Chesnut demanded the question; which was seconded.

The vote thereon being taken by States is as follows:

Yea: Louisiana, Mississippi, South Carolina, and Texas.

Nay: Alabama, Florida, and Georgia.

The motion prevailed.

The question recurring on the amendment of Mr. Barry as amended by the amendment of Mr. Rhett, Mr. Keitt demanded the question.

The Congress refused to second the demand.

After discussion, Mr. Oldham demanded the question; which was seconded, and, at the instance of the State of South Carolina, the yeas and nays of the entire body were recorded as follows:

Alabama—Nay: Messrs. Walker, Smith, Curry, Chilton, Shorter, and Fearn.

Florida—Nay: Messrs. Morton, Anderson, and Owens.

Georgia—Nay: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, T. R. R. Cobb, and Stephens.

Louisiana—Yea: Messrs. Kenner, Sparrow, and Marshall. Nay: Messrs. Perkins, De Clouet, and Conrad.

Mississippi—Yea: Messrs. Harris and Barry. Nay: Messrs. Wilson, Clayton, and Harrison.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Memminger, and Miles. Nay: Messrs. Chesnut, Withers, and Boyce.

Texas—Yea: Mr. Ochiltree. Nay: Messrs. Waul, Gregg, and Oldham.

Yea: South Carolina, 1.

Nay: Alabama, Florida, Georgia, Mississippi, and Texas, 5.

Divided: Louisiana, 1.

The motion was lost.

Mr. Kenner moved to amend the clause by giving, until the enumeration provided for apportioning representatives among the several States should be made, to the States the following numbers, respectively, viz: South Carolina, 7; Georgia, 11; Florida, 2; Alabama, 10; Mississippi, 8; Louisiana, 7, and Texas, 7.

Mr. Withers demanded the question; which was seconded, and the States voted as follows:

Yea: Louisiana, South Carolina, and Texas.

Nay: Alabama, Georgia, Florida, and Mississippi.

The motion was lost.

The Congress then proceeded to consider third clause of section 8, of Article I, which had been informally passed over, and the amendments offered thereto, viz:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Mr. Toombs withdrew his amendment.

Mr. Rhett renewed it, and it is as follows:

but neither this, nor any other clause contained in this Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce.

Mr. Bartow moved to lay the amendment on the table and demanded the question; which was seconded, and, at the instance of the State of South Carolina, the yeas and nays of the entire body were recorded, and are as follows, viz:

Alabama—Yea: Messrs. Walker, Smith, Chilton, Hale, and Fearn. Nay: Mr. Curry.

Florida—Yea: Mr. Morton. Nay: Messrs. Anderson and Owens.

Georgia—Yea: Messrs. Bartow, Nisbet, Hill, T. R. R. Cobb, and Stephens. Nay: Messrs. Toombs, Howell Cobb, and Wright.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris and Clayton. Nay: Messrs. Wilson, Barry, and Harrison.

South Carolina—Nay: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Nay: Messrs. Waul, Gregg, Oldham, and Ochiltree.

Yea: Alabama and Georgia, 2.

Nay: Florida, Mississippi, South Carolina, and Texas, 4.

Divided: Louisiana, 1.

The motion was lost.

On motion of Mr. Cobb, the amendment was amended by adding thereto the following, viz:

except for the purpose of furnishing lights, beacons, buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the commerce facilitated thereby, as to pay the costs and expenses thereof.

Mr. Sparrow moved to amend the amendment as amended by striking out the same and inserting in lieu thereof the following:

*Provided*, That Congress may appropriate, from the net revenues of the port of New Orleans,            per cent to keep open the mouths of the Mississippi River, and a like per cent of the net revenues of the other ports of the Confederacy to make necessary improvements in the harbors thereof.

The motion was lost.

Mr. Perkins moved to amend the amendment of Mr. Rhett as amended by striking out the word "commerce," where it last occurs, and inserting in lieu thereof the word "navigation."

The motion prevailed.

The question recurring on the amendment of Mr. Rhett as amended to said clause, at the instance of the State of South Carolina, the yeas and nays of the entire body were recorded, and are as follows:

Alabama—Yea: Messrs. Walker, Curry, Hale, McRae, Shorter, and Fearn. Nay: Messrs. Smith and Chilton.

Florida—Yea: Messrs. Morton, Anderson, and Owens.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Nisbet, T. R. R. Cobb, and Stephens. Nay: Messrs. Bartow and Hill.

Louisiana—Yea: Messrs. Perkins, Sparrow, and Marshall. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Yea: Messrs. Clayton, Barry, and Harrison. Nay: Messrs. Harris and Wilson.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, and Boyce. Nay: Mr. Withers.

Texas—Yea: Mr. Waul. Nay: Messrs. Gregg and Ochiltree.

Yea: Alabama, Florida, Georgia, Mississippi, and South Carolina, 5. Nay: Texas, 1.

Divided: Louisiana, 1.

The amendment was agreed to.

The seventh clause of the ninth section of Article I being under consideration; which is as follows:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

On motion of Mr. Memminger, the same was amended by striking out the words, to wit: "nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another."

The twelfth clause, following, being under consideration:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, etc.

The question pending was on the motion of Mr. Cobb to reconsider the vote by which his amendment was rejected to amend the same by inserting after the word "thereof" the words "or requiring secular labor to be performed on the Sabbath by its employees."

Mr. Cobb withdrew the motion to reconsider.

The first clause of section 10 of the first article being under consideration:

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.



The question pending was on the motion of Mr. Rhett to amend the same by adding thereto the following words:

Nor shall any State remain in this Confederacy which does not authorize the institution of slavery within its limits.

Mr. Rhett withdrew his motion.

Mr. Perkins renewed it.

Mr. Stephens moved to lay the motion on the table.

At the instance of the State of Louisiana, the yeas and nays of the entire body were recorded as follows:

Alabama—Yea: Messrs. Walker, Smith, Curry, Chilton, Hale, McRae, and Fearn. Nay: Mr. Shorter.

Florida—Yea: Mr. Morton. Nay: Mr. Anderson.

Georgia—Yea: Messrs. Toombs, Nisbet, Hill, and Stephens. Nay: Messrs. Howell Cobb and Thomas R. R. Cobb.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris, Wilson, Clayton, Barry, and Harrison.

South Carolina—Yea: Messrs. Chesnut and Boyce. Nay: Messrs. Rhett, Barnwell, Keitt, Memminger, Miles, and Withers.

Texas—Nay: Messrs. Waul, Gregg, and Ochiltree.

Yea: Alabama, Georgia, and Mississippi, 3.

Nay: South Carolina and Texas, 2.

Divided: Florida and Louisiana, 2.

The motion was lost.

Mr. Perkins then withdrew his amendment, accepting in lieu thereof the following, which was offered by Mr. Barry as an amendment to his, to wit:

No one of the Confederate States in which African slavery exists shall abolish it without the consent of all the slaveholding States.

Mr. Stephens demanded the question; which was seconded, and, at the instance of the State of South Carolina, the yeas and nays of the whole body were required to be recorded, and are as follows:

Alabama—Yea: Mr. Shorter. Nay: Messrs. Walker, Smith, Curry, Chilton, Hale, and Fearn.

Florida—Yea: Messrs. Anderson and Owens. Nay: Mr. Morton.

Georgia—Nay: Messrs. Toombs, Nisbet, Hill, Thomas R. R. Cobb, and Stephens.

Louisiana—Yea: Messrs. Perkins, Sparrow, and Marshall. Nay: Messrs. De Clouet, Conrad, and Kenner.

Mississippi—Yea: Mr. Barry. Nay: Messrs. Harris, Wilson, Clayton, and Harrison.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Memminger, and Miles. Nay: Messrs. Chesnut, Withers, and Boyce.

Texas—Yea: Messrs. Waul, Gregg, and Ochiltree.

Yea: Florida, South Carolina, and Texas, 3.

Nay: Alabama, Georgia, and Mississippi, 3.

Divided: Louisiana, 1.

The third clause of the tenth section being under consideration, "No State shall, without the consent of Congress, lay any duty of tonnage," etc.,

The question being on the motion of Mr. Marshall to amend by adding after the word "tonnage" the words

except on seagoing vessels, for the improvement of its rivers and harbors navigated by the same: *Provided*, The same shall not conflict with any treaties of the Confederate States with other nations; and any surplus of revenue, thus derived, shall, after making such improvements, be paid into the common treasury. Nor shall any State, etc.

Mr. Conrad moved to amend the amendment by adding after the words "other nations" the words

*And provided also*, That such duties shall be collected and expended under the direction of the President.

Mr. Sparrow demanded the question; which was seconded, and the motion was lost.

The question recurring on the motion of Mr. Marshall, the same was agreed to.

The question then was on the motion of Mr. Reagan to amend the clause by striking out the same and inserting in lieu thereof the following:

No State shall, without the consent of Congress, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay; but they may levy tonnage duties on rivers and other navigable waters in their jurisdiction for the sole purpose of improving the navigation of such rivers and waters; and where such rivers or other waters divide or flow through two or more States, or form a boundary between any of the Confederate States and a foreign power, they may enter into compacts with each other to improve the navigation thereof, subject to such treaty stipulations as may be made by the Confederate States with foreign powers from which such rivers may flow or through which they may pass.

The second clause of the first section of the first article being under consideration, which provides for electors for choosing President and Vice-President and the mode and manner of the choosing the same,

Mr. Stephens moved to adopt the report of the committee, and, at the instance of the State of Texas, the yeas and nays of the entire body were recorded, and are as follows:

Alabama—Yea: Messrs. Chilton, Hale, McRae, Shorter, and Fearn. Nay: Messrs. Walker, Smith, and Curry.

Florida—Yea: Messrs. Morton and Anderson. Nay: Mr. Owens.

Georgia—Yea: Messrs. Howell Cobb, Nisbet, Hill, Wright, Thomas R. R. Cobb, and Stephens. Nay: Mr. Toombs.

Louisiana—Yea: Messrs. De Clouet, Conrad, and Kenner. Nay: Messrs. Perkins, Sparrow, and Marshall.

Mississippi—Yea: Messrs. Harris, Wilson, Clayton, Barry, and Harrison.

South Carolina—Nay: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce.

Texas—Yea: Messrs. Waul, Gregg, and Ochiltree.

Yea: Alabama, Florida, Georgia, Mississippi, and Texas, 5.

Nay: South Carolina, 1.

Divided: Louisiana, 1.

On motion of Mr. Cobb, the amendments which were offered and pending to this subject-matter were laid on the table.

The first clause of the third section of the fourth article being under consideration, providing how other States may be admitted into this Confederacy, etc.,

Mr. Perkins moved to reconsider the vote rejecting the amendment offered by Mr. Withers thereto.

The motion prevailed.

And the question being on agreeing to the amendment, Mr. Shorter moved to amend the amendment by striking out the same and inserting in lieu thereof the words

Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States.

The amendment as amended was agreed to.

Mr. Cobb offered the following as the last clause of the Constitution, to wit:

When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution shall prescribe the time for holding the election of President and Vice-President; and for the meeting of the electoral college; and for counting the votes, and inaugurating the President. They shall, also, prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government;

which was agreed to.

Mr. Toombs offered the following resolution:

*Resolved by the Convention.* That the injunction of secrecy be taken off so far as to allow the Secretary of State to refer to its action on the Constitution as far as the public interest may require;

which was adopted.

Mr. Cobb moved that the Convention proceed immediately to vote on the Constitution as amended; which was agreed to, the States voting as follows:

Yea: Alabama, Florida, Georgia, Mississippi, South Carolina, and Texas, 6.

Nay: Louisiana.

Mr. Waul moved to adjourn; which was lost.

After further discussion, Mr. Chesnut moved to adjourn; which was also lost.

Mr. Withers, at the instance of the State of South Carolina, moved to reconsider the vote by which it was agreed that the Convention proceed at once to take a vote on the Constitution as amended.

Pending which,

On motion of Mr. Cobb,

The Convention took a recess till 7.30 o'clock p. m.

7.30 O'CLOCK P. M.

The question being on the motion of Mr. Withers to reconsider the vote by which it was agreed that the Convention should take the vote immediately on the Constitution, the same prevailed, the States voting as follows:

Yea: Florida, Louisiana, Mississippi, South Carolina, and Texas.

Nay: Alabama and Georgia.

The question then being on the motion of Mr. Cobb to take the vote immediately on the Constitution, the same was lost.

On motion of Mr. Smith, it was ordered that the report of the subcommittee of three appointed by the Committee on Permanent Consti-

tution to revise the Constitution, correct clerical errors, and to transpose words for the better structure of the language used should be spread at large on the Journal.

The following is the report of the subcommittee:<sup>a</sup>

Mr. Bartow offered the following resolution:

*Resolved*, That the injunction of secrecy as to the adoption of the Constitution by this Convention and as to the proceedings of the Convention be removed so far as to allow each member to communicate the same in writing or otherwise in secret session to any of the State conventions;

which was agreed to.

On motion of Mr. Cobb, it was agreed that when the vote shall be taken on the Constitution that the name of Mr. Thomas R. R. Cobb (to whom leave of absence was granted) should be recorded in the affirmative.

Leave of absence was granted to Mr. Bartow and Mr. Keitt.

Convention then resolved itself in Congress.

### MONDAY, MARCH 11, 1861.

The Congress having resolved itself in Convention, proceeded to the consideration of the Constitution of the Confederate States of America.

The same was ordered to be engrossed; which having been done, was read a third time.

And the question being,

Shall the Constitution be passed and adopted?

At the instance of the State of Georgia, the yeas and nays of the whole body were ordered to be spread on the Journal, and are as follows, viz:

Alabama—Yea: Messrs. Walker, Smith, Curry, Hale, McRae, Shorter, and Fearn. Nay: None.

Florida—Yea: Messrs. Morton, Anderson, and Owens. Nay: None.

Georgia—Yea: Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, T. R. R. Cobb, and Stephens. Nay: None.

Louisiana—Yea: Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall. Nay: None.

Mississippi—Yea: Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison. Nay: None.

South Carolina—Yea: Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce. Nay: None.

Texas—Yea: Messrs. Reagan, Hemphill, Waul, Gregg, Oldham, and Ochiltree. Nay: None.

The Constitution was therefore passed and adopted unanimously.

The Convention then resolved itself into Congress.

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<sup>a</sup>Not recorded in the Journal and not found with the Confederate archives in the custody of the War Department.



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# APPENDIX.

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# CONSTITUTION FOR THE PROVISIONAL GOVERNMENT OF THE CONFEDERATE STATES OF AMERICA

AND

## PERMANENT CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA.

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[Reprinted from the Confederate States Statutes at Large, published by authority of Congress, Richmond, Va., 1864.]

*The Confederate States of America.* At a Congress of the Sovereign and Independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, begun and holden at the Capitol in Montgomery, in the State of Alabama, on the fourth day of February, in the year of our Lord one thousand eight hundred and sixty-one; and thence continued, by divers adjournments, until the eighth day of February in the same year:

### CONSTITUTION FOR THE PROVISIONAL GOVERNMENT OF THE CONFEDERATE STATES OF AMERICA.

We, the Deputies of the Sovereign and Independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, invoking the favor of Almighty God, do hereby, in behalf of these States, ordain and establish this Constitution for the Provisional Government of the same: to continue one year from the inauguration of the President, or until a permanent Constitution or Confederation between the said States shall be put in operation, whichsoever shall first occur.

Constitution for  
Provisional Gov-  
ernment, estab-  
lished.

How long to  
continue.

#### ARTICLE I.

##### SECTION 1.

All legislative powers herein delegated shall be vested in this Congress now assembled until otherwise ordained.

Legislative  
powers vested in  
Congress.

##### SECTION 2.

When vacancies happen in the representation from any State, the same shall be filled in such manner as the proper authorities of the State shall direct.

Vacancies in  
the representa-  
tion, how filled.

## SECTION 3.

Congress to be the judge of the elections, returns and qualifications of members. Quorum, how constituted. What number may adjourn.

Each State entitled to one vote. How State represented.

Rules of proceeding.

Journal of proceedings to be kept.

Yeas and nays.

1. The Congress shall be the judge of the elections, returns and qualification of its members; any number of Deputies from a majority of the States, being present, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members; upon all questions before the Congress, each State shall be entitled to one vote, and shall be represented by any one or more of its Deputies who may be present.

2. The Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. The Congress shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members on any question, shall, at the desire of one-fifth of those present, or at the instance of any one State, be entered on the journal.

## SECTION 4.

Compensation of members. How paid.

In what cases members privileged from arrest.

Not to be questioned for any speech or debate.

The members of Congress shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederacy. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going to and returning from the same; and for any speech or debate, they shall not be questioned in any other place.

## SECTION 5.

Bills passed by Congress to be presented to President. Proceedings when the President disapproves.

When bill retained by President becomes a law.

President may veto one and approve another appropriation in same bill.

Orders, resolutions, etc., to be presented to the President. If disapproved by him, how re-passed by Congress.

1. Every bill which shall have passed the Congress, shall, before it become a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it with his objections to the Congress, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress shall agree to pass the bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner, as if he had signed it, unless the Congress by their adjournment, prevent its return, in which case it shall not be a law. The President may veto any appropriation or appropriations and approve any other appropriation or appropriations in the same bill.

2. Every order, resolution or vote, intended to have the force and effect of a law, shall be presented to the President, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a bill.



3. Until the inauguration of the President, all bills, orders, resolutions and votes adopted by the Congress shall be of full force without approval by him.

Until President inaugurated, bills, etc., of force, without his approval.

## SECTION 6.

1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, for the revenue necessary to pay the debts and carry on the Government of the Confederacy; and all duties, imposts and excises shall be uniform throughout the States of the Confederacy.

Power of Congress to lay taxes to carry on the Government.

Duties to be uniform.

2. To borrow money on the credit of the Confederacy:

To borrow money.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

To regulate commerce.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederacy:

To establish uniform rule of naturalization and law of bankruptcy.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

To coin money. To fix standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederacy:

To punish counterfeiters.

7. To establish post offices and post roads:

To establish post offices and roads.

8. To promote the progress of science and useful arts, by securing, for limited times to authors and inventors, the exclusive right to their respective writings and discoveries:

To promote science and useful arts.

9. To constitute tribunals inferior to the supreme court:

To constitute inferior tribunals.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To define and punish piracies, etc.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To declare war.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

To raise armies.

13. To provide and maintain a navy:

To provide a navy.

14. To make rules for the government and regulation of the land and naval forces:

Government of army and navy.

15. To provide for calling forth the militia to execute the laws of the Confederacy, suppress insurrections, and repel invasions:

Militia.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederacy, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress: and

Organization, etc., of the militia.

17. To make all laws that shall be necessary and proper for carrying into execution the foregoing powers and all other powers expressly delegated by this Constitution to this Provisional Government.

To make all laws necessary to carry into effect the powers expressly delegated by the Constitution.

18. The Congress shall have power to admit other States.

To admit States.

19. This Congress shall also exercise Executive powers until the President is inaugurated.

To exercise Executive powers till President inaugurated.

## SECTION 7.

Importation of African negroes forbidden.

Introduction of slaves prohibited.

Writ of Habeas Corpus.

Bill of Attainder, or *ex post facto* law.

No preference to ports of one State over another.

No money drawn from the treasury but by law. Receipts and expenditures published.

Appropriations of money from the treasury. When authorized.

No title of nobility to be granted.

Religious freedom.

Freedom of speech and of the press.

Right of petition.

Right to bear and keep arms.

Quartering of soldiers.

Unreasonable searches and seizures prohibited.

No warrant to issue but on oath or affirmation.

1. The importation of African negroes from any foreign country other than the slaveholding States of the United States, is hereby forbidden; and Congress are required to pass such laws as shall effectually prevent the same.

2. The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

3. The privilege of the writ of Habeas Corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

4. No Bill of Attainder, or *ex post facto* law shall be passed.

5. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another: nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties, in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. Congress shall appropriate no money from the treasury, unless it be asked and estimated for by the President or some one of the heads of Departments, except for the purpose of paying its own expenses and contingencies.

8. No title of nobility shall be granted by the Confederacy; and no person holding any office of profit or trust under it, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign State.

9. Congress shall make no law respecting an establishment of religion or prohibiting the free exercises thereof: or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of such grievances as the delegated powers of this Government may warrant it to consider and redress.

10. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

11. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

12. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

13. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Trials for capital offences, or infamous crimes.

No one to be twice put in jeopardy of life or limb, for same offence; nor compelled to testify against himself; nor be deprived of life, etc., without process of law.

Private property not to be taken for public use, without compensation.

14. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Trial by jury in criminal cases,

15. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of the common law.

Trial by jury in civil cases,

16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Excessive bail not to be required, nor excessive fine imposed or punishment inflicted.

17. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Enumeration of certain rights not to be construed to deny others retained by people. Reserved powers.

18. The powers not delegated to the Confederacy by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

19. The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States of the Confederacy, by citizens of another State, or by citizens or subjects of any foreign State.

Limitation of the judicial power.

#### SECTION 8.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

Limitation of the powers of the States.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the Confederacy, and all such laws shall be subject to the revision and control of the Con-

gress. No State, shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

## SECTION 1.

Executive power vested in President.

Duration of his office and of the office of Vice-President.

Manner of electing President and Vice-President.

Qualifications of the President.

Vacancy in office of President; how supplied.

Compensation for the services of the President.

Oath of office of President.

Powers and duties of the President.

1. The Executive power shall be vested in a President of the Confederate States of America. He, together with the Vice President, shall hold his office for one year, or until this Provisional Government shall be superceded by a Permanent Government, whichever shall first occur.

2. The President and Vice-President shall be elected by ballot by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite to elect.

3. No person, except a natural born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident of one of the States of this Confederacy.

4. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, (which inability shall be determined by a vote of two-thirds of the Congress,) the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

5. The President shall at stated times receive for his services, during the period of the Provisional Government, a compensation at the rate of twenty-five thousand dollars per annum; and he shall not receive during that period any other emolument from this Confederacy, or any of the States thereof.

6. Before he enter on the execution of his office, he shall take the following oath or affirmation:

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of America, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof.

## SECTION 2.

1. The President shall be Commander-in-Chief of the Army and Navy of the Confederacy, and of the militia of the several States, when called into the actual service of the Confederacy; he may require the opinion, in writing, of



the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederacy, except in cases of impeachment.

May grant reprieves and pardons.

2. He shall have power, by and with the advice and consent of the Congress, to make treaties; provided two-thirds of the Congress concur: and he shall nominate, and by and with the advice and consent of the Congress, shall appoint ambassadors, other public ministers and consuls, judges of the courts, and all other officers of the Confederacy whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

May make treaties, by and with consent of Congress.

Appointments to office.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Congress, by granting commissions, which shall expire at the end of their next session.

Vacancies during the recess of Congress.

#### SECTION 3.

1. He shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene the Congress at such times as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the Confederacy.

President to give Congress information of the state of the Confederacy.

May convene Congress on extraordinary occasions.

Other powers and duties.

2. The President, Vice-President, and all civil officers of the Confederacy shall be removed from office on conviction by the Congress of treason, bribery, or other high crimes and misdemeanors: a vote of two-thirds shall be necessary for such conviction.

Removals from office on conviction of crimes.

### ARTICLE III.

#### SECTION 1.

1. The judicial power of the Confederacy shall be vested in one Supreme Court, and in such inferior courts as are herein directed, or as the Congress may from time to time ordain and establish.

Judicial power vested in Supreme Court, etc.

2. Each State shall constitute a District,<sup>a</sup> in which there shall be a court called a District Court, which, until otherwise provided by the Congress, shall have the jurisdiction vested by the laws of the United States, as far as applicable, in both the District and Circuit Courts of the United States, for that State; the Judge whereof shall be appointed by the President, by and with the advice and consent of the Congress, and shall, until otherwise provided by the Congress, exercise the power and authority vested by the

District Courts established; their jurisdiction.

<sup>a</sup> This paragraph amended. See post, p. 9 [909].

Appeals from District Courts to the Supreme Court.

When commissions of the judges expire.

Supreme Court constituted of the District Judges; when and where to sit.

Transfer of causes in the Courts of the United States, to the Courts of the Confederacy.

Decrees, etc., of U. S. Courts.

Protection of parties to suits.

laws of the United States in the Judges of the District and Circuit Courts of the United States, for that State, and shall appoint the times and places at which the courts shall be held. Appeals may be taken directly from the District Courts to the Supreme Court, under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States, or under such regulations as may be provided by the Congress. The commissions of all the judges shall expire with this Provisional Government.

3. The Supreme Court shall be constituted of all the District Judges, a majority of whom shall be a quorum, and shall sit at such times and places as the Congress shall appoint.

4. The Congress shall have power to make laws for the transfer of any causes which were pending in the courts of the United States, to the courts of the Confederacy, and for the execution of the orders, decrees and judgments heretofore rendered by the said courts of the United States; and also all laws which may be requisite to protect the parties to all such suits, orders, judgments, or decrees, their heirs, personal representatives, or assignees.

#### SECTION 2.

Extent of judicial power.

1. The judicial power shall extend to all cases of law and equity, arising under this Constitution, the laws of the United States, and of this Confederacy, and treaties made, or which shall be made, under its authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederacy shall be a party; controversies between two or more States; between citizens of different States; between citizens of the same States claiming lands under grants of different States.

Original jurisdiction of the Supreme Court.

Appellate jurisdiction.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Trial by jury.

3. The trial of all crimes except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

## SECTION 3.

1. Treason against this Confederacy shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

What constitutes treason, and how to be proved.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

Punishment of treason. Not to work corruption of blood, etc.

## ARTICLE IV.

## SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved and the effect of such proof.

The public acts, etc., of the States to have full faith and credit.

## SECTION 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Citizens of the States entitled to equal privileges.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives from justice.

3. A slave in one State, escaping to another, shall be delivered up on claim of the party to whom said slave may belong by the executive authority of the State in which such slave shall be found, and in case of any abduction or forcible rescue, full compensation, including the value of the slave and all costs and expenses, shall be made to the party, by the State in which such abduction or rescue shall take place.

Fugitiveslaves

In case of abduction or rescue of slave, full compensation to be made.

## SECTION 3.

1. The Confederacy shall guarantee to every State in this union, a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive, (when the legislature can not be convened,) against domestic violence.

Republican form of government guaranteed to each State; and protection from invasion and domestic violence.

## ARTICLE V.

Amendments to Constitution. 1. The Congress, by a vote of two-thirds, may, at any time, alter or amend this Constitution.

## ARTICLE VI.

The Constitution, laws of the Confederacy, and treaties the supreme law of the land. 1. This Constitution, and the laws of the Confederacy which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederacy, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

All matters between the States forming this Government, and their late confederates of the United States, to be settled. 2. The Government hereby instituted shall take immediate steps for the settlement of all matters between the States forming it, and their other late confederates of the United States in relation to the public property and public debt at the time of their withdrawal from them; these States hereby declaring it to be their wish and earnest desire to adjust everything pertaining to the common property, common liability, and common obligations of that union, upon the principles of right, justice, equity, and good faith.

Seat of Government. 3. Until otherwise provided by the Congress, the city of Montgomery in the State of Alabama, shall be the seat of Government.

Oath of members of Congress, and of executive and judicial officers. 4. The members of the Congress and all executive and judicial officers of the Confederacy shall be bound by oath or affirmation to support this Constitution; but no religious test shall be required as a qualification to any office or public trust under this Confederacy.

No religious test required as qualification for office.

Done in the Congress, by the unanimous consent of all the said States, the Eighth day of February, in the year of our Lord, One Thousand Eight Hundred and Sixty-One; and of the Confederate States of America, the first. In witness whereof, we have hereunto subscribed our names.

HOWELL COBB,  
*President of the Congress.*

*South Carolina.*—R. Barnwell Rhett, R. W. Barnwell, James Chesnut, Jr., C. G. Memminger, Wm. Porcher Miles, Lawrence M. Keitt, William W. Boyce, Tho. J. Withers.

*Georgia.*—R. Toombs, Francis S. Bartow, Martin J. Crawford, E. A. Nisbet, Benjamin H. Hill, Augustus R. Wright, Thos. R. Cobb, A. H. Kenan, Alexander H. Stephens.

*Florida.*—Jackson Morton, Jas. B. Owens, J. Patton Anderson.

*Alabama.*—Richard W. Walker, Robt. H. Smith, Colin J. McRae, Jno. Gill Shorter, William Parish Chilton, Stephen F. Hale, David P. Lewis, Tho. Fearn, J. L. M. Curry.



*Mississippi*.—W. P. Harris, Alex. M. Clayton, W. S. Wilson, James T. Harrison, Walker Brooke, William S. Barry, J. A. P. Campbell.

*Louisiana*.—John Perkins, Jr., Alex. De Clouet, C. M. Conrad, Duncan F. Kenner, Edward Sparrow, Henry Marshall.

By a vote of the Congress, on the second day of March, in the year 1861, the Deputies from the State of Texas were authorized to sign the Provisional Constitution above written.

Attest,

J. J. HOOPER,  
*Secretary.*

*Texas*.—Thomas N. Waul, Williamson S. Oldham, John Gregg, John H. Reagan, W. B. Ochiltree, John Hemp-hill, Louis T. Wigfall.

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AMENDMENT TO THE PROVISIONAL CONSTITUTION OF  
THE CONFEDERATE STATES.

An Ordinance of the Convention of the Congress of the Confederate States. May 21, 1861.

*Be it ordained by the Congress of the Confederate States of America*, That the second paragraph of the first section of the third Article of the Constitution of the Confederate States of America, be so amended in the first line of said paragraph, as to read, "Each state shall, until otherwise enacted by law, constitute a district;" and in the sixth line, after the word "judge," add "or judges." Amendment to 2nd ¶ of 1st § 3rd art. of Provisional Constitution.

Approved, May 21, 1861.

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CONSTITUTION OF THE CONFEDERATE STATES OF  
AMERICA.

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America. Purposes for which the Constitution was ordained and established.

ARTICLE I.

SECTION 1.

All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and a House of Representatives. Legislative power vested in Congress.

## SECTION 2.

House of Representatives; when chosen; qualification of electors.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.

Qualifications of Representative.

2. No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

How Representatives and direct taxes are apportioned.

3. Representatives and direct taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six; the State of Georgia ten; the State of Alabama nine; the State of Florida two; the State of Mississippi seven; the State of Louisiana six; and the State of Texas six.

Census to be taken every ten years.

Ratio of representation limited.

Vacancies in the representation; how filled.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

House chooses its officers, and has power of impeachment.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other Federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

## SECTION 3.

Senate; how composed. Senators; how chosen.

1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

Senators divided into three classes.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the

When seats of Senators vacated.

sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature which shall then fill such vacancies.

Executive of a State may fill vacancy during recess of Legislature.

3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States; and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

Qualifications of Senators.

4. The Vice President of the Confederate States shall be President of the Senate, but shall have no vote unless they be equally divided.

Vice-President is President of Senate; votes only on equal division.

5. The Senate shall choose their other officers; and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the Confederate States.

Senate chooses its officers. When it may choose President *pro tempore*.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Senate has sole power to try impeachments.

Chief Justice presides when President is tried.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

Extent of judgment on impeachment.

Party convicted subject to indictment at law.

#### SECTION 4.

1. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.

Time, place, and manner of electing Senators and Representatives; how prescribed.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

How often and when Congress to meet.

#### SECTION 5.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Each House the judge of elections, &c., of its own members. A majority to constitute a quorum.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of the whole number expel a member.

Each House to determine its own rules.

Each House to keep a journal.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Adjournment of one House by consent of the other.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

#### SECTION 6.

Compensation of members; their privileges.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederate States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Disability to hold certain offices.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

Principal officers in the Departments may sit in Congress; and discuss certain measures.

#### SECTION 7.

Bills for raising revenue; where to originate.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Power of the President and Congress in enacting laws, and proceedings therein.

2. Every bill which shall have passed both Houses, shall, before it becomes a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law,



in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceeding shall then be had as in case of other bills disapproved by the President.

3. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, (except on a question of adjournment,) shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

Same as to resolutions, etc.

#### SECTION 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts, provide for the common defence, and carry on the government of the Confederate States; but no bounties shall be granted from the treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts, and excises shall be uniform throughout the Confederate States:

Power of Congress.

To lay taxes; but not to grant bounties; nor to lay taxes or duties to foster any branch of industry.

Duties to be uniform.

2. To borrow money on the credit of the Confederate States:

To borrow money.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this, nor any other clause contained in the constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof:

To regulate commerce; but not to appropriate money for internal improvements, except for certain purposes.

When to lay duties on navigation.

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States; but no law of Congress shall discharge any debt contracted before the passage of the same:

To make laws as to naturalization and bankruptcy.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

To coin money, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States:

To punish counterfeiters.

7. To establish post-offices and post-routes; but the expenses of the Post-office Department, after the first day

To establish post-offices.

of March in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues:

To promote science and useful arts.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

To constitute inferior Courts.

9. To constitute tribunals inferior to the Supreme Court:

To punish piracies and felonies on the high seas.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, etc.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise armies.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

To provide a Navy.

13. To provide and maintain a navy:

To make rules for Army and Navy.

14. To make rules for the government and regulation of the land and naval forces:

To provide for calling out the militia.

15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions:

To provide for organizing militia, etc.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

To exercise exclusive legislation over seat of government over the C.S., and certain other places.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of the government of the Confederate States: and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and

To make all laws necessary and proper to execute other powers.

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the Confederate States, or in any department or officer thereof.

#### SECTION 9.

Importation of African negroes forbidden.

1. The importation of negroes of the African race, from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

Introduction of slaves prohibited.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy.

Writ of *habeas corpus* not to be suspended.

3. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

4. No bill of attainder, *ex post facto* law, or law denying or impa[i]ring the right of property in negro slaves shall be passed.

Bills of attainder, or *ex post facto* laws, or laws impairing right of property in slaves.

5. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

6. No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

No tax on articles exported from any State.

7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

No preference to ports of one State over another.

8. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No money drawn from the treasury but by law. Receipts and expenditures published.

9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments, and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the government, which it is hereby made the duty of Congress to establish.

Appropriations of money from the treasury; when authorized.

10. All bills appropriating money shall specify in federal currency the exact amount of each appropriation and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent or servant, after such contract shall have been made or such service rendered.

Bills appropriating money; what to specify.

Congress to grant no extra compensation to contractors and officers.

11. No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state.

Titles of nobility not to be granted.

Officers of C. S. not to accept presents from foreign States.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the government for a redress of grievances.

Religious freedom.

Freedom of speech and of the press.

Right of petition.

13. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Right to bear and keep arms.

14. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Quartering of soldiers.

15. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall

Unreasonable searches and seizures prohibited.



No warrant to issue but on oath.

Trials for capital offences or infamous crimes.

No one to be twice put in jeopardy of life or limb for same offence.

Private property not to be taken without compensation.

Trial by jury in criminal cases.

Trial by jury in civil cases.

Excessive bail not to be required, nor excessive fines imposed or punishment inflicted.

Laws to relate to but one subject to be expressed in the title.

Limitation of the powers of the States.

issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

18. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact so tried by a jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

20. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

#### SECTION 10.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue, thus derived, shall, after making



such improvement, be paid into the common treasury. Nor shall any State keep troops or ships-of-war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

## ARTICLE II.

### SECTION 1.

1. The executive power shall be vested in a President of the Confederate States of America. He and the Vice President shall hold their offices for the term of six years; but the President shall not be re-eligible. The President and Vice President shall be elected as follows: Executive powers vested in President.  
Term of office of President and Vice President.

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the Confederate States, shall be appointed an elector. Electors of President and Vice President.  
Number for each State.

3. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the Confederate States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States—the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death, or other constitutional disability of the President. Meetings of electors, and their proceedings.  
Election of President.

Election of  
Vice President.

4. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

Person ineligible to office of Vice President.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the Confederate States.

Congress to prescribe time of choosing electors, and the day they vote.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the Confederate States.

Eligibility to the office of President.

7. No person except a natural born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

Vice President to act when office of President vacant.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

Compensation of the President.

9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or any of them.

Oath to be taken by President.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof.”

## SECTION 2.

Powers and duties of the President.

1. The President shall be commander-in-chief of the army and navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the

duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederate States, except in cases of impeachment.

May grant reprieves and pardons.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties; provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the Confederate States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

May make treaties by and with the advice and consent of Congress.

Appointments to office.

3. The principal officer in each of the executive departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the executive departments may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

When, and by whom, officers may be removed from office.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be re-appointed to the same office during their ensuing recess.

President to fill vacancies during recess of Senate.

### SECTION 3.

1. The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

President to give Congress information of the State of the Confederacy.

May convene Congress on extraordinary occasions.

When he may adjourn Congress.

Shall receive ambassadors and ministers; and commission officers.

### SECTION 4.

1. The President, Vice President, and all civil officers of the Confederate States, shall be removed from office on impeachment, for and conviction of, treason, bribery, or other high crimes and misdemeanors.

Removals from office by impeachment and conviction of crimes.

## ARTICLE III.

## SECTION 1.

Judicial power  
vested in one Su-  
preme Court, etc.  
Term of office  
and compensa-  
tion of judges.

1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

## SECTION 2.

Extent of the  
judicial power.

1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State, where the State is plaintiff; between citizens claiming lands under grants of different States; and between a State or the citizens thereof, and foreign states, citizens or subjects; but no State shall be sued by a citizen or subject of any foreign state.

When Supreme  
Court has origi-  
nal jurisdiction;  
when appellate.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

All crimes to  
be tried by jury.  
Where such  
trials to be.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

## SECTION 3.

What consti-  
tutes treason  
and how to be  
proved.

1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Congress to  
prescribe pun-  
ishment of trea-  
son. Not to  
work corruption  
of blood, etc.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.



## ARTICLE IV.

## SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Credit to be given in one State to public Acts, etc., of another.

## SECTION 2.

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

Citizens of each State entitled to privileges, etc., in other States.

2. A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives from justice.

3. No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor: but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

Fugitives slaves.

## SECTION 3.

1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

New States may be admitted into the Confederacy.

2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

Power of Congress over the property of the Confederate States.

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial government: and the in-

New territory may be acquired; Congress to prescribe government for its inhabitants. When they may form States.

Negro slavery to be recognized and protected in territories.

habitants of the several Confederate States and Territories shall have the right to take to such territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

Republican  
form of govern-  
ment guaran-  
teed to each  
State.

Protection of  
States against  
invasion, etc.

4. The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government; and shall protect each of them against invasion; and on application of the legislature, (or of the executive, when the legislature is not in session,) against domestic violence.

## ARTICLE V.

### SECTION 1.

Mode of amend-  
ing the Constitu-  
tion.

1. Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said convention—voting by States—and the same be ratified by the legislatures of two-thirds of the several States, or by conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the general convention—they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

## ARTICLE VI.

Character of  
the government  
established by  
this Constitu-  
tion.

Officers ap-  
pointed by the  
Provisional Gov-  
ernment remain  
in office.

Debts, etc.,  
heretofore con-  
tracted, valid  
against C. S.

What is the su-  
preme law of the  
land.

Oath to support  
the Constitution;  
by whom to be  
taken.

1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution, as under the Provisional Government.

3. This Constitution, and the laws of the Confederate States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

4. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or

affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

No religious test shall be required.

5. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people of the several States.

Enumeration of certain rights, not to deny others retained by people.

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

Reserved powers.

## ARTICLE VII.

1. The ratification of the conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Ratification of this Constitution.

2. When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution shall prescribe the time for holding the election of President and Vice President; and for the meeting of the Electoral College; and for counting the votes, and inaugurating the President. They shall, also, prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

Congress, under the Provisional Constitution, to prescribe time for holding election of President and Vice President, meeting of the electors, etc., and time for holding first election of members of Congress.

How long Congress under the Provisional Constitution to exercise power.

Adopted unanimously by the Congress of the Confederate States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, sitting in Convention at the capitol, in the city of Montgomery, Alabama, on the Eleventh day of March, in the year Eighteen Hundred and Sixty-One.

HOWELL COBB,  
*President of the Congress.*

*South Carolina.*—R. Barnwell Rhett, C. G. Memminger, Wm. Porcher Miles, James Chesnut, Jr., R. W. Barnwell, William W. Boyce, Lawrence M. Keitt, T. J. Withers.

*Georgia.*—Francis S. Bartow, Martin J. Crawford, Benjamin H. Hill, Thos. R. R. Cobb.

*Florida.*—Jackson Morton, J. Patton Anderson, Jas. B. Owens.

*Alabama.*—Richard W. Walker, Robt. H. Smith, Colin J. McRae, William P. Chilton, Stephen F. Hale, David P. Lewis, Tho. Fearn, Jno. Gill Shorter, J. L. M. Curry.

*Mississippi.*—Alex. M. Clayton, James T. Harrison, William S. Barry, W. S. Wilson, Walker Brooke, W. P. Harris, J. A. P. Campbell.

*Louisiana.*—Alex. De Clouet, C. M. Conrad, Duncan F. Kenner, Henry Marshall.

*Texas.*—John Hemphill, Thomas N. Waul, John H. Reagan, Williamson S. Oldham, Louis T. Wigfall, John Gregg, William Beck Ochiltree.

## EXTRACT FROM THE JOURNAL OF THE CONGRESS.

CONGRESS, *March 11, 1862* [1861].

On the question of the adoption of the Constitution of the Confederate States of America, the vote was taken by yeas and nays: and the Constitution was unanimously adopted, as follows:

Those who voted in the affirmative being Messrs. Walker, Smith, Curry, Hale, McRae, Shorter, and Fearn, of Alabama, (Messrs. Chilton and Lewis being absent); Messrs. Morton, Anderson, and Owens, of Florida; Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, Thomas R. R. Cobb, and Stephens, of Georgia, (Messrs. Crawford and Kenan being absent); Messrs. Perkins, De Clouet, Conrad, Kenner, Sparrow, and Marshall, of Louisiana; Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison, of Mississippi, (Mr. Campbell being absent); Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce, of South Carolina; Messrs. Reagan, Hemp-hill, Waul, Gregg, Oldham, and Ochiltree, of Texas, (Mr. Wigfall being absent).

A true copy:

J. J. HOOPER,  
*Secretary of the Congress.*

CONGRESS, *March 11, 1861.*

I do hereby certify that the foregoing are, respectively, true and correct copies of "The Constitution of the Confederate States of America," unanimously adopted this day, and of the yeas and nays on the question of the adoption thereof.

HOWELL COBB,  
*President of the Congress.*



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